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EDWIN WILKINS FIELD.







Edwin Whipple

EDWIN WILKINS FIELD

A MEMORIAL SKETCH

BY

THOMAS SADLER, PH.D.



WITH A PORTRAIT

London

MACMILLAN AND CO.

1872

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210. k. 120.



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LONDON:
PRINTED BY WOODFALL AND KINDER,
MILFORD LANE, STRAND, W.C.

PREFACE.

THIS sketch has been written at the request of many friends of Mr. Field. The first idea was to give some account of him in an article in a legal periodical ; but he was so much besides a lawyer, that the materials which presented themselves took naturally a more extended form.

In accepting the part assigned to him, the writer was not unmindful of a close friendship of more than a quarter of a century, and of feelings which would certainly render the work a labour of love ; but he would, nevertheless, have been deterred from the undertaking by a consciousness of his unfitness for it, had he not been assured of efficient help, especially in connection with legal matters. And though he did not write even on this part of his subject without endeavouring to have it

clearly in his own mind, he has, for the sake of accuracy, submitted his MS. to several eminent legal gentlemen, particularly acquainted with the various matters referred to, who kindly consented to look through it, and give it the benefit of their corrections.

By delaying the publication of these pages, the materials for a fuller memoir might doubtless have been gathered together; but interesting and valuable as have been the additions which have come in since this sketch was originally written, they have invariably been of a character to confirm and exemplify what had already been stated. And this encourages the writer to hope that as sometimes the artist's first drawing of a face has in it as much likeness as the highly finished portrait, so this Memoir, short and imperfect as it is, may, by those who best knew Mr. Field, be felt to have been faithfully copied from the life.

T. S.

HAMPSTEAD,

December 25th, 1871.

Permission has kindly been given to insert here the following lines, written, very soon after the event to which they relate occurred, by one closely associated with Mr. Field in much that he did and much that he loved :—

EDWIN WILKINS FIELD.

FIELD ! fervent, frank, and faithful friend ! farewell !
Thou many-gifted man, thy race is run !
Whate'er thou didst was done with all thy might.
Sustained by deep conviction, thou wert strong
And fearless, seeking worthy ends alone.
The energy of will inheriting
Of Cromwell, thy stern ancestor, thy power
Was wielded, resolutely, in the cause
Of peaceful progress and thy country's good.
Thou, who so long moved foremost in the Band
Of Law Reformers, struggling 'gainst the might
Of ancient prejudice and bold abuse
Unceasingly, until the fight was won ;
Thou, honoured most by those who best could tell
How wise thy efforts and how pure thy aims ;
Thou, in thy strength, with lustre unbedimmed,
Hast sunk to rest within thy much-loved Thames !
That river beautiful, whence thou hast drawn
So oft invigorating draughts of health
And calm enjoyment, leaving for a while

The cares and toils and crosses of the law.
Thy death was self-devotion ; thou didst sink
Saving thy friend—a holy sacrifice,
A noble ending of a noble life.
The sons of Art mourn for thee, for they loved
Thee dearly ; and right well that love was won,
For thou didst labour for them with a heart
Of sympathy, and all who “ needed strength
Had thine at their command ” ; and they rejoiced
In thy creations in the realms of Art.
They, too, who sought for liberty of thought
On things eternal, struggling to shake off
The fetters of all man-made creeds, all tests
Dogmatic, long will cherish, in their heart
Of hearts, the memory of thy robust
Untiring energy which knew no rest,
No pause, until the work was done. Yet thou
Didst “ mix with all the sternness of thy brain ”
A joyous, happy nature ; thou didst love
To sit with children dancing round thy knee,
To watch their “ dawn of little joys,” to aid
Their “ minds’ development ” ; and thou didst live
To press thy children’s children—sweet young buds
Of promise—to thy gentle loving breast ;
“ Foreboding not how soon thou must depart ;
Unweeting that to thee the joy was given
Which good men take with them from earth to
heaven.”
Nor can I e’er forget how punctually,

On each returning Sabbath, thou didst bend
In lowly reverence, as a little child,
Humbly reposing all thy cares and hopes
On the Eternal Father, Lord of All :
A meek disciple of his Holy Son.
Oh ! if our lives be measured, not by years,
But by great deeds of public usefulness,
By works well done in faith, in hope, in love,
How few of us can reach thy mortal span !

W. S. C.

EDWIN WILKINS FIELD.

CHAPTER I.

EARLY LIFE.

“ALL who are interested in the character of the larger branch of the legal profession, and its standing and position in society, will desire to see a record of each eminent member of that class, as he passes off from the scene of his labours.”

So wrote the subject of the following pages in a Memoir of Edgar Taylor, Esq., two-and-thirty years ago. The next sentence goes on to say, the record of Mr. Taylor would have a more extended value, as showing that great professional success is compatible with unusual pro-

ficiency in other respects. It is not necessary to point out how singularly applicable these remarks have become to him who wrote them.

Mr. Edwin Wilkins Field was born at Leam, near Warwick, on the 12th of October, 1804. His father, the Rev. William Field, the friend and biographer of Dr. Parr, was for many years a Dissenting minister at Warwick, and kept a school, which attained a considerable reputation. There are many still living who remember his fine vigorous old age. The mother, whose maiden name was Mary Wilkins, was a woman of remarkable spirit and energy. Mr. and Mrs. Field had a large family, of whom Edwin was the eldest. John Field, the father of the Warwick minister, was a medical practitioner in the city of London, and founder of the London Annuity Society. He married Anne, the great-granddaughter of Henry Cromwell, son of the Protector.

Having been educated at his father's school, Edwin W. Field was articled, on the 19th of

March, 1821, to Messrs. Taylor and Roscoe, solicitors, then of King's Bench Walk, Temple. The late Joseph Parkes persuaded the parents to risk sending their son to London, and the trouble he took in the matter was always remembered with gratitude. Towards both of the heads of the firm, the pupil entertained strong feelings of regard, which increased with the lapse of years. Of Mr. Edgar Taylor he said, in the Memoir already referred to, that all who had the advantage of being in his office "rated him as the first they had ever known in all points of talent and business." With Mr. Robert Roscoe, whose father was William Roscoe of Liverpool, the author of "The Life of Lorenzo di Medici," he was brought into close personal relations by residing in his house for some years after coming to London; and with this "dear old master," as he was wont to call him, he was on intimate terms till the close of Mr. Roscoe's life in 1850. Not long before that event, they with their families were both spending the long vacation

on the Thames, at Wargrave, and no day passed without an affectionate greeting.

Owing to the custom, now discontinued, of evening consultations at barristers' chambers, the hours of attendance at business used to be much longer than they are at present; but throughout the period of his clerkship, and during the early years of his professional practice, E. W. Field made a point of devoting several hours in the day to professional reading, sitting up far into the night, if his other duties or occupations rendered it necessary. From the 1st of April, 1823, to the 5th of August, 1825, he kept a journal, which gives a clear impression of his way of life. His industry may be judged of by one entry: "Perdidi diem. I did nothing before breakfast, nothing at dinner, nothing at tea, and very little in the evening." At another time he says he must consult his "law-giver," as to whether he might not have half an hour after midnight "for writing, gymnastics, and prayers." His principal companions were

Bryant, who died of consumption in 1825, W. Sharpe (afterwards a partner), H. Roscoe, James Booth, Yate Lee, C. Fellows (afterwards Sir Charles), M. Pearson, T. F. Gibson, Barron Field, Crompton (afterwards Mr. Justice Crompton), William and Henry Enfield, and James Robinson (afterwards of the firm of Lowndes and Robinson, of Liverpool). With Bryant, W. Sharpe, and Robinson, successively, he was in the habit of reading law ; and at one time he and several of his young legal friends used to meet at each other's rooms for the purpose of discussing knotty points of law, and of acquiring the power of public speaking.

In his general reading, "the standard of knowledge which his secret thoughts formed for him " included, in addition to an acquaintance with the chief English writers, increased facility in reading Latin, French, and Italian (they were all taught in his father's school), and some knowledge of the most distinguished writers in these languages. On one occasion, when he was

at the house of a friend, and was going to church with the family, his friend said, "I am sorry that the only spare prayer-book we have is in Italian." The reply was, "That will do." His reading was rendered the more valuable to him by the habit of making abstracts of the more important works, and occasionally of writing papers on the subjects treated of. Even of the sermon or sermons he heard on the Sunday (he attended usually Dr. Abraham Rees's Chapel, but always there or elsewhere), he was accustomed to state in his journal the subject and its mode of treatment.

The great activity of his mind showed itself, from the first, in the earnest practical interest he took in a wide range of subjects. He found time to help Mr. Roscoe in the editorship of a monthly periodical, the "Palladium," translating Italian sonnets for it, and writing notices of recent books. The Diary contains, moreover, modest references to original poetry and readings on chemistry and geology.

Desirous for his father's sake to avoid unnecessary expense, and busy, too, with his own pursuits, he appears to have indulged very little in London amusements. The recreations he was most fond of were those of swimming and boating in the Thames. He writes, "Swam from Waterloo to Blackfriars Bridge, and could have gone twice as far with the greatest ease;" and several boating parties are described with manifest zest. A letter, dated Oct. 11th, 1826, from Mr. John Patch (in whose chambers E. W. Field studied conveyancing in the summer of that year), refers to an illness his pupil had from overwork, and says: "You must not try your strength so much in future. I thought you were one of the strongest young men that I ever saw ; and I shall still continue to think so."

This sketch of Mr. Field as an articled clerk, which presents rather a striking contrast to the life of a good many articled clerks and other young men in London now-a-days, would be very

incomplete without a few lines from a letter to his own clerks, in 1858, which will be referred to more at length hereafter : "If, heretofore, I have been of any use to you, it is chiefly because I myself had far better masters than I have been to you. Two more able, cultivated men than the founders of our firm, Edgar Taylor and Robert Roscoe, never adorned the profession. Both were accomplished scholars and linguists, men of admirable judgment and extraordinary information. Edgar Taylor, in particular, as a solicitor, was *facile princeps*. . . . To the tastes infused into me by my dear friend Robert Roscoe, in whose family I lived for some years, I attribute much of the pleasures of my subsequent life. . . . It is more than thirty-seven years since I first found myself perched on one of our tall office-stools, a raw Warwickshire boy. I remember, as if it were yesterday, my good old father's wistful look as he left me there. That look has stood me in fast stead many a time since. . . . The whole

staff was then Taylor, Roscoe, myself, and a little writing clerk."

In the Michaelmas term of 1826, Mr. Field was admitted an attorney and solicitor, and shortly afterwards commenced business in Bread Street, Cheapside, in partnership with his former fellow-clerk, Mr. W. Sharpe. There had been some question of his settling in Warwick, near his native place ; and he attributed his determination to remain in London to the advice of his friend, Mr. James Booth,* then entering on his career as a barrister. The first clerk of Messrs. Sharpe and Field was Henry Ellwood, who remained with Mr. Field, and was greatly and increasingly valued and esteemed by him, till they died together through the same accident.

The intention of the young solicitor was to devote his earliest professional savings to repaying the expenses his father had incurred in preparing him for his profession. This, however, the

* *Vide* Pamphlet by E. W. F. on Limited Liability Partnerships. Dedicated to James Booth, Esq. London, 1854.

father would not assent to, alleging as the reason that his son had already done much for younger members of the family, and that "his generosity must not be allowed to go too far." The matter, however, was compromised by Mr. Field's returning from time to time the sums paid for the board of his younger brothers, till the whole amount of what he persisted in regarding as only *lent* to him had been repaid.

In 1830 or '31 the firm of Sharpe and Field removed from Bread Street to the Old Jewry, where it made steady progress. Meanwhile, Mr. Roscoe having retired from practice on account of the state of his health, Mr. Taylor had associated with himself Mr. James Turner, nephew of the late Lord Justice Turner, and the late well-known conveyancer Francis Turner, and of Sir Charles Turner, a retired Master of the Court of Queen's Bench. Soon, however, Mr. Turner's health also failed; and in 1835 overtures were made by Mr. Taylor, which ended

in Messrs. Sharpe and Field becoming partners in the firm in which they had both been articled clerks. But there were already in Mr. Taylor himself the seeds of fatal disease, and in 1839 he died, at the early age of forty-six, at the head of one of the most extensive agency houses in London.*

The partnership had, however, lasted long enough to leave a deep impression, not only of his great ability and attainments, but also of the courtesy and kindness with which the junior partners were treated by him.

* His widow, and his sister Miss Emily Taylor, are still living.

CHAPTER II.

LAW REFORM.

I^N the next year (1840) we find Mr. Field ardently giving his mind to the subject of Law Reform, in which his labours have been so honourable to his profession, and so beneficial to the public. Now and then we hear of some one who has quitted the legal profession in disgust at its abuses. Every conscientious act is deserving of respect ; but we have not heard that any such persons have succeeded in finding a profession without abuses in it. And this being the case, it may fairly be questioned whether, when we meet with abuses in our chosen calling, it is not better, if possible, to *do away* with them than to *run away* from them.

Before Mr. Field was admitted an attorney and solicitor, the attention of the profession and of the public had been especially drawn to the state of

the Court of Chancery, the costs and delays of which were such as to amount to an absolute denial of justice in many cases falling exclusively within its jurisdiction. In reforming the procedure of the Court, it was necessary to begin with the Six Clerks' Office. The Six Clerks were in early times the only persons who were allowed to practise in the Court of Chancery ; it being supposed that by restricting the number of legal practitioners in the various courts, the growth of litigation would be effectually checked. Perhaps the remedy was something like attempting to prevent the increase of disease with the increase of population by restricting the number of medical men. The business of the Court did, however, increase, and the Six Clerks had clerks appointed under them, called Sworn Clerks, or Clerks in Court, the number of whom was finally limited to sixty.* By degrees the whole of the business came to be transacted

* Per Lord Erskine, Lord Chancellor, in *Twort v. Dayrell*.
13 Ves. 197.

by the Sworn Clerks, who acted in the names of the Six Clerks, sometimes without even knowing one of them by sight. Later still, the whole labour and responsibility of conducting suits and other proceedings in Chancery devolved on the solicitors of the Court, who alone were in direct communication with the suitors, their clients; but every solicitor was still obliged to file all his bills and answers and written evidence, and to take all proceedings and to obtain all copies of bills, answers, and evidence through his sworn clerk; though, at the time now referred to, the only real business transacted by the Sworn Clerks was the taxation of costs, as assistants to the Masters, and filing and preserving the Court records. The Six Clerks and the Sworn Clerks, however (chiefly the latter), drew large incomes from fees paid by the suitor. Nor was this all. The office of Clerk in Court was treated as property, which the owner could give or sell to his successor.*

* For an account of the Six Clerks' Office, *vide* "Ex parte the Six

Such was the state of things when a Commission was appointed to report on the Court of Chancery. The report, which was made in 1826, was without much effect; for it failed, as Mr. Field afterwards, in 1840, pointed out,* to show how large a saving there would be in the expense of a Chancery suit, if the Six Clerks' Office and the intervention of the Sworn Clerks were abolished. During the Chancellorship of Lord Brougham, in 1832 and 1833, several acts were passed with a view to certain improvements; but the larger plans which his Lordship contemplated were not carried out.† Further legislation on the

Clerks, 3 Ves. 589." Francis Vesey, the reporter, was at the time of this report a "barrister," but afterwards a barrister *and* "one of the Six Clerks." Also "English Cyclopædia," Article "Six Clerks." Also "Life of Romilly," 3rd ed. p. 21. Sir S. Romilly began his legal career in the Six Clerks' Office, having been articled to a Sworn Clerk.

* *Vide* "Observations of a Solicitor on Defects in the Offices, Practice, and System of Costs of the Equity Courts." Pickering, 1840.

† 2 & 3 Will. 4, c. 111, 3 & 4 W. 4, cc. 84, 94. The Act of 1832, intituled "An Act to abolish certain Sinecure Offices connected with the Court of Chancery, and make Provision," &c., suspended the appointment of any new Sixth Clerks until the number should be reduced to two; and the second Act of 1833, intituled "An Act

subject took place in 1840, 1841, when power* was given to the judges of the Court, within five years, to make alterations in the practice; and in pursuance of these Acts, Orders were issued† by Lord Cottenham, making considerable changes and improvements in matters of detail, and also provisions which pointed to the abolition of the Six Clerks. Still, the Clerks in Court remained untouched, as likewise the mode of transacting the business in the Six Clerks' Office.

Early in 1840, Mr. Field published on the subject the pamphlet already referred to, which, by its vigorous arguments and excellent suggestions, attracted much attention. This pamphlet, seconded by other writings of his in periodi-

for the Regulation of the Proceedings and Practice of certain Offices of the High Court of Chancery in England," abolished certain offices, and constituted the office of the Registrars of the Court practically on their present footing.

* 3 & 4 Vict. c. 94, "An Act for facilitating the Administration of Justice in the Court of Chancery;" and 4 & 5 Vict. c. 52, for amending the same.

† The Orders of the 26th of August, 1841.

cal,* and by conversations with persons of influence, seems to have been a main cause of the passing of the Act of 1842,† by which the Six Clerks and Sworn Clerks were abolished, and the solicitors themselves were enabled to do the business which they had previously been compelled to do through others. The offices of the Taxing Masters and of the Clerks of Records and Writs were constituted to carry on the real business formerly done by the Sworn Clerks ; and it was provided that payment should be made, not by fees, but by salaries.

The effect of these changes was an immense improvement in the practice of the Court, and paved the way for further changes, by which the Court of Chancery has been greatly improved in regard both to efficiency and to economy.‡

* In the *Westminster Review* for January, 1842, Mr. Field wrote an article on "Chancery Reform," dealing in a popular way with Lord Cottenham's Orders, and with the practice of the Court.

† 5 and 6 Vict. c. 103, intitled "An Act for abolishing certain Offices of the High Court of Chancery in England."

‡ Spence ("Equity Jurisprudence," vol. i. p. 405, note) says, speaking of Mr. Field, "To whose exertions, enforced by Mr.

In 1841 the Court of Exchequer, as a court of equity, was abolished,* and two additional Vice-Chancellors of the Court of Chancery were authorized. These alterations also had been advocated, and their necessity pointed out, in the pamphlet of 1840.

Another law reform in which Mr. Field took a most prominent part had for its object to facilitate the winding-up of the affairs of joint-stock companies and other partnerships. An Act for this purpose was passed in 1844,† but was found to be inadequate. Mr. Field's attention was called to the subject by his own experience of the practical impossibility of winding-up the affairs

Pemberton, the Court of Chancery is in a great part indebted for the late improvements." This volume was published in 1846. John Wainwright, Esq., formerly one of the Sworn Clerks, and now Taxing Master, says, in a letter written since Mr. Field's death, Mr. Field was "the first person who practically brought about this change." Robert Bayley Follett, Esq., also a Taxing Master, says: "I always considered the abolition of the Six Clerks' Office due to E. W. Field."

* By 5 Vict. c. 5, "An Act to make further Provisions for the Administration of Justice."

† 7 & 8 Vict. c. 111. Under this Act the winding-up was to take place in the Court of Bankruptcy.

of companies in several instances in which he was employed professionally, particularly in the case of the St. George's Steam Packet Company. Hence, at the time of the passing of the Act of 1844, a scheme for a Winding-up Act was submitted, in behalf of that Company, to the Board of Trade by Mr. Field and Mr. Rigge (then of the firm of Ambrose Lace and Co., of Liverpool, and formerly in Mr. Field's office at 41, Bedford Row). On the 27th of April, 1846, these gentlemen furnished Mr. Bellenden Ker, as adviser of the Board of Trade, at his request, with their views on the subject "in writing." These views consisted, first, of "Heads of proposed Bill to amend the Law for Winding-up the Affairs of Joint-Stock Companies and other Partnerships;" and, secondly, of a letter of explanation, in which the reasons for the scheme were set forth. In 1848 an Act* was

* 11 & 12 Vict. c. 45, intituled "An Act to amend the Acts for facilitating the Winding-up of the Affairs of Joint-Stock Companies unable to meet their Pecuniary Engagements, and also to facilitate the Dissolution and Winding-up of Joint-Stock Companies and other Partnerships."

passed, embodying substantially *all the clauses* proposed, and was supplemented by another Act the next year;* and though both these Acts were repealed by the Companies' Act of 1862,† their provisions had been found to work in so satisfactory a manner that they were adopted in that Act and in the subsequent legislation on the subject.‡

Though the Six Clerks' Office had been done away with, the Office of Master in Chancery remained, and was productive of great delay and expense to the suitors. This office had

* 12 & 13 Vict. c. 108, intituled "An Act to amend the Joint-Stock Companies Winding-up Act, 1848."

† 25 & 26 Vict. c. 89.

‡ Mr. Ludlow, who, under Mr. Bellenden Ker, drew the Act of 1848, refers, in the Preface to his edition, to Mr. Field as "the originator of the Act"; and at page xxxv. of the Introduction sets out the letter of Mr. Field and Mr. Rigge, which letter and the "heads of the proposed Bill" sent with it, he states, "form the whole groundwork of the Act."

Mr. Thomas Rigge died in 1864, and a short and highly appreciative obituary of him was written by Mr. Field, in which he says: "He had an intellect singularly adapted to his profession. In the writer's best judgment he was, as a lawyer, really profound. Excepting perhaps Mr. Jacob, and one or two other very great men, never did the writer, in studying a difficult case, feel that he had a more wise and cultivated lawyer to discuss it with than Mr. Rigge."

been from the time of James I. and Queen Elizabeth a frequent subject of complaint.* In his pamphlet of 1840, Mr. Field pointed out the evils arising from the want of the superintendence of the Judge; and in 1841 he wrote, in the *Legal Observer*, an article entitled "The Office of Master, should it be performed by a Judge subordinate in Position?" And in the article in the *Westminster Review* for January, 1842, above referred to, he expressed a most decided opinion that the only effectual remedy was the total abolition of the office, and the performance of the Master's duties by the Judge in chambers, or by clerks under his immediate direction. A report of the Incorporated Law Society, dated December, 1851, strongly recommended this and many other changes; and to the preparation of materials for that report Mr. Field devoted himself with untiring industry and perseverance. The Acts of 1852,†

* Spence's "Equity Jurisprudence," vol. i. p. 400, *et seq.*

† 15 & 16 Vict. cc. 80, 86, 87, intituled "An Act to abolish the Office of Master in the High Court of Chancery, and to make

by which this great reform was accomplished, are based on the recommendations of a Royal Commission, appointed by Her Majesty in 1850, to "inquire into the process, practice, and system of pleading in the Court of Chancery." In the preparation or passing of these special Acts Mr. Field does not appear to have been immediately instrumental; but he had repeatedly pressed the necessity of some such measures as a supplement to the previous legislation.

It is to be regretted that the view presented in the Report of the *Incorporated Law Society*, in regard to the transaction of the business in Judges' chambers in general, has not received more attention. This view is, that all important business should be transacted by the Judge himself, his clerks simply acting under his superintendence, or doing mere administrative work;

Provision for the more speedy and efficient Despatch of Business in the said Court;" "An Act to amend the Practice and Course of Proceeding in the Court of Chancery;" "An Act for the Relief of the Suitors in the High Court of Chancery."

and that to this end there should be two Judges to each Court, so that each Judge should have half his time in chambers. The practical effect of the custom which has at present grown up is, that, as the Judge does not devote by any means sufficient time to chamber business, his chief clerk is left to exercise judicial functions in his name, and to dispose of most important business in his absence.

The Acts of 1852 introduced other fundamental changes in the procedure of the Court; but though Mr. Field was interested in them, and useful in suggesting points of detail, there is no reason to suppose that the changes themselves were in any manner directly due to his exertions.

Mr. Field was always a strenuous advocate of a limitation of the liability of shareholders in joint-stock and other companies and partnerships. In July, 1851, he gave evidence before a committee of the House of Commons on this subject.*

* The Committee was appointed on the 20th of February, 1851, "to consider the law of partnership and the expediency of facili-

A Commission appointed in 1853 to inquire into the whole matter, sent to him amongst others a series of thirty-two questions. This led to his publishing a pamphlet of 96 pages,* dedicated to his old friend, Mr. James Booth, Secretary of the Board of Trade, in which he enters into, an elaborate consideration of the subject,—there being, as he states in his “reasons for writing,” “no other way in which he could answer the questions satisfactorily to himself.” The value of this pamphlet is testified in a large number of letters, received by him from eminent lawyers and others.†

In a paper read by Mr. Field at the Annual tating the limitation of liability, with a view to encourage useful enterprise and the additional employment of labour.” Of this Committee Mr. Slaney was chairman, as he was also of one appointed in the previous year for the same purpose.

* “Observations of a Solicitor on the Right of the Public to form Limited Liability Partnerships, and on the Theory, Practice, and Cost of Commercial Charters.” 1854. Longman & Co.

† The expediency of introducing this change in the law of partnership was admitted by the Legislature, and in 1855, the 18th & 19th Vict. c. 133, intituled “An Act for limiting the Liability of Members of certain Joint-Stock Companies,” was passed. This Act was afterwards repealed; but the principle of limited liability has been adopted in the subsequent Acts on the subject.

Meeting of the Metropolitan and Provincial Law Association, in St. George's Hall, Liverpool, October 14th, 1846, he dwells on two matters, on which he himself felt strongly. The first is the exclusion of attorneys from the Bar, in regard to which he contrasts England with the United States, in which every lawyer may plead in Court and address the Jury, and if successful in his career, may be raised to the Bench. The second is the present system of legal remuneration, which, he maintained, offers a premium for lengthiness and incompetency, and fines brevity and efficiency. This subject was brought forward by him on various occasions. In the pamphlet of 1840,* already referred to, he wrote :—

“The false and mischievous principle of paying for what is not done, by way of compensation for not paying for what is done, pervades the whole frame of the law ; the Bar itself is under it, though not equally so with the solici-

* “Observations of a Solicitor,” &c. p. 15.

tors. To give all practitioners an interest in form and prolixity, and so tempt them to spin out in every way instead of lessening the clerk-work part of their business, manifestly tends to damage the integrity of their minds. But, besides this, it also interposes a difficulty in the way of every improvement. The interest in forms and words begets a bigoted love for forms and words. Whenever a useless form is to be discarded, or a simple practice introduced, you are met at once by the attachment, interested or bigoted, of almost the whole profession, to that system whereby, at present, it gets its bread. All lawyers who have any real love for the very honourable and confidential occupation in which they are employed, and who desire to see it engage that share of the public respect to which it is really entitled, instead of being a by-word and proverb for what is cunning and mean, must be anxious to see this matter put on a new footing."

These observations led Lord Langdale, then

Master of the Rolls, to address a letter to Mr. Field, in which, after remarking that "he entirely agreed in the opinions expressed by Mr. Field," and that the subject was one of great importance, he requested him "either individually, or in concurrence with any other solicitors, to communicate to him such information and observations as might appear to be material for a full and satisfactory consideration of the subject." The matter was taken up by the Incorporated Law Society, and a committee appointed, of which Mr. Field was a member, with a view to practical suggestions. Communications extending over several years took place on the subject between the Society, the Master of the Rolls, and the Lord Chancellor.

Mr. Field's view was that a solicitor should be allowed to make a contract to do any particular work for a sum agreed upon by him and his client, and that in cases in which no such contract was made, the charge should be a commission on the amount at stake, or according to an

ad valorem system of payment. As an order of the Court of Chancery for the payment of a thousand pounds is worth ten times as much to the client as an order for the payment of a hundred pounds, the solicitor should be paid proportionally more for obtaining the former than the latter. Mr. Field's belief in the possibility and desirableness of so great a change was not shared by the other members of the committee, or the general body of the Society; and the communications on their part terminated in a number of "suggestions," many of which were carried out. The result was an improvement in the old system, but not what he was anxious for—the radical change of a system on a par with that on which doctors used to be paid, in proportion, not to the time and skill devoted to the recovery of the patient, but to the quantity of physic inflicted on him.

In evidence given by Mr. Field before a committee of the House of Lords (in July, 1851, on the Masters' Primary Jurisdiction Bill), he

says :—" My clerk prepares for me a long draft. If I have it copied and laid before the Court as it is, I am paid for all the words it contains. If I spend a day in condensing it, and reducing it within proper limits—say to the extent of half or two-thirds—I cut off half or two-thirds of the emoluments I should have been entitled to if I had never touched it, besides occupying a day upon it, and getting no pay for the day's work either. By the present rules of pay every imaginable temptation is held out to the solicitor, and to counsel also, to make things as verbose as they can contrive."

On the 2nd of August, 1855, Mr. Field, representing, it is believed, the Metropolitan and Provincial Law Association, had an interview with the present Lord Chancellor (then V.C.), the late Lord Justice Turner, Mr. Follett, the Taxing Master, and Mr. Walton, on the remuneration question, which was discussed at considerable length. In 1864 he was active in preparing a memorial of the Association to

Lord Chancellor Westbury, in which it was proposed that, in taxing costs, "consideration should be given to any special agreement for remuneration which may have been entered into by competent parties," and "the propriety of an *ad valorem* system of payment" was urged. In 1864 and 1865 he had frequent interviews with the Lord Chancellor in reference to a bill introduced by him "to amend the law relating to the remuneration of attorneys and solicitors." This bill did not pass into law. Mr. Field, however, had the satisfaction of seeing one of the principles he had so frequently advocated become a part of the law of the land; for in 1870 an Act* was passed, by which "the remuneration of attorneys and solicitors" was permitted to be "fixed by agreement." And, although the *ad valorem* system has not been adopted as a system, the Bill of 1870 recognizes to some extent the principle, by enacting that,

* 33 & 34 Vict. c. 28, "An Act to amend the Law relating to the Remuneration of Attorneys and Solicitors."

“upon a taxation of costs, the taxing officer, in determining the remuneration to be allowed to the attorney or solicitor, should have regard to the skill, labour, and *responsibility* involved.”

In connection with the subject of remuneration for legal services, the anomalies of the present system in regard to taking counsel's opinion did not escape his notice :—“ If,” he says, “ a solicitor investigates the law and decides a point himself, the existing system assigns him just nothing ; but if he writes out the question and sends it to counsel, saving himself much time, much wit, and all responsibility, then, though a lower degree of knowledge and skill is competent to that work, it assigns him liberal wages.”

In February, 1861, Mr. Field was nominated one of a Royal Commission* to inquire into

* The Commissioners were the Duke of Argyle, Lord Kingsdown, Sir W. P. Wood, V.C. (now Lord Hatherley, Lord High Chancellor), Robert Wigram Crawford, Esq. (M.P. for the City of London and a Governor of the Bank of England), P. W. Rogers, Esq. (one of the Registrars of the Court of Chancery), W. G. Anderson, Esq. (now Sir William Anderson), W. S. Cookson, Esq., and E. W. Field, Esq.

“the Constitution of the Accountant-General’s Department of the Court of Chancery, the Forms of Business therein, and the Provisions for the Custody and Management of the Stocks and Funds of the Court.” Mr. Field was, as usual, most active in prosecuting these inquiries, the results of which were embodied in an exhaustive Report, dated the 17th of February, 1864.

Such are the chief subjects (with exceptions to be referred to in another connection) which engaged Mr. Field’s attention with a view to an improved condition of the legal profession and a more effectual administration of the law.* But those who are well acquainted with his writings can hardly have failed to perceive that, even more than any single improvement, however important, he had at heart a work without which all other improvements would be, after all, only a kind of patching up of the legal system of this country. Distinguishing between

* After the year 1840, there was scarcely a Royal Commission or Parliamentary Committee on Chancery Reform, or general legal questions, before which he was not called upon to give evidence.

the principles of law, or jurisprudence, and the application of these principles, or procedure, he directed his attention more particularly to the latter, as that which most needed a thorough reconsideration at the present time; and the vision which floated before his mind was nothing less than that of raising into an *inductive science* what now is a most unsystematic, heterogeneous thing, wanting solidarity, harmony, and consistency. As early as 1841 he published some articles in the *Legal Observer*, which were afterwards printed in a separate form under the title of "Judicial Procedure an Inductive Science." In 1843 the subject was pursued in the *Westminster Review*,* and again, in a separate pamphlet, in 1857.† And in 1870, in a pamphlet entitled "Observations on the High Court of Justice Bill," he offers, as he says, what would "most likely be

* "Recent and Future Law Reform." Printed in a separate form.

† "Efficiency in the Methods of Procedure and in the Daily Workings of the Judiciary the Great Need of Legal Reform."

his last contribution to a subject which had long been one of interest to him." "We might,"* he says, "take for a motto some lines written by Fulke Greville, Lord Brooke, the 'friend of Sir Philip Sidney,' near three hundred years ago:—

*'Again, the length and strange variety
Of processes and trials,—princes must reform.'*"

That these lines are abundantly applicable to the incongruities of our present system of legislature — if "a medley of contradictory principles and antagonistic methods" can be called a system at all — is exemplified by numerous instances; and the remedy for the evil is a science of procedure, formed by a careful induction of facts, and a comparison of the methods of various courts in this country and elsewhere. The work should not be left to the heads of the legal profession, but should be entrusted to a Commission presided over by a

* "The Master's Office," article in *Legal Observer*, vol. xxi. p. 226, note.

Minister of Justice, and with the fullest opportunity of collecting evidence bearing on the subject, at home and abroad. Practitioners and suitors, as well as judges, should contribute their facts. The contrasts and conflicts of procedure in various courts should be ascertained and catalogued, the *pros* and *cons* of opposite methods weighed, and the natural history of procedure carefully studied. "The object should be to assimilate ultimately the procedure of all judicial establishments, and every step made should be a step that way. If there exist in procedure the subject-matter of a science, this must be the end to be looked forward to. It cannot be right that we should have one mode in common law, another in equity, another in bankruptcy, another in lunacy, another in the ecclesiastical courts (to say nothing of the Scotch methods); that we should adopt, as now, one principle of procedure in a bankruptcy appeal, another in an appeal in equity to the Chancellor, and a third,

again, in appeals to the Privy Council and the House of Lords." *

With his mind fully possessed by this idea, it was a matter of course that Mr. Field should ardently take up the subject of a proposed concentration of all the courts of justice and their offices in a convenient neighbourhood. This subject, it is believed, was first debated in Parliament in 1822, and since that time it has been repeatedly brought before both Parliament and the public. In 1841 and 1842 evidence was taken before a Select Committee of the House in regard to the removal of the Law Courts to the neighbourhood of the Inns of Court. Before this committee Mr. Field was examined, and said:—"My idea is that no thoroughly effectual reform in the practice of the law can possibly take place without concentrating the Courts and offices, and having the

* "The Master's Office," *Legal Observer*, p. 227.—Two valuable papers were prepared by Mr. E. C. Dunn, of the Chancery Bar, at Mr. Field's suggestion, containing a comparative statement of the course of proceeding in the various courts, and points of contrast between them.

offices under the same roof as the Courts. . . . I have looked at the matter more with reference to its bearing on the science of procedure (which has been a subject of interest with me for a few years past) than in any other point of view; and it has struck me that, with reference to the monstrous mass of evil to be removed by improvements in procedure, a great deal more is to be done by arrangements almost mechanical in their nature, and comparatively less by arrangements as to forms, pleadings, &c., than would at first be imagined; and that the mechanical arrangement which is the most important is the concentration of the Courts and the offices. Of course the object of every alteration to be made in procedure is, that the work may be done *quicker, and cheaper, and better*, both in Court by the officers of the Court, and by the solicitors and counsel; and my belief is that, in every respect, the concentration of the Courts and offices would operate towards bringing out these results, and

that those results cannot be completely brought out without this concentration." *

In 1859 a Royal Commission was appointed to report upon the subject, and before this Commission also Mr. Field was among those who were examined in evidence. This Commission reported in favour of the concentration of the Courts in a building, or group of buildings, to be erected on what is known as the Carey Street site. In July, 1864, he wrote to his friend C. G. Loring, U.S., the eminent advocate :—"I have been, at the request of the Government, helping to get matured a bill—which after all has had to be postponed till next session—about concentrating all our courts of justice, and offices of the law, into one building. A most grand and important scheme, and, in my judgment, more likely to improve and quicken legal operations than anything

* "The Law Courts and New Houses of Parliament. Extracts from Evidence before," &c. London: Printed by Cox and Sons, 74 and 75, Great Queen Street. 1843.

which could be done." And in April, 1865, he wrote to the same friend:—"Out of the ordinary work of my profession, or just fringing it, my principal occupation, last summer and this year, has been looking after the measure now before Parliament for concentrating all the offices and Courts of law in one building." . . .

The Acts of Parliament of 1865,* authorizing this measure, were owing in no small degree to Mr. Field's energetic exertions—exertions begun upwards of thirty years before, while he was still a young man, and continued with all his characteristic vigour and devotion through the intervening years. His evidence given before the House of Commons Committee, appointed in the earliest stage of the agitation, furnished then, and continued to furnish to the last, the chief arguments in favour of concentration. In pursuance of these Acts, a Royal Commission was issued to obtain and approve a

* 28 & 29 Vict. cc. 48, 49, intituled "The Courts of Justice Building Act, 1865;" "Courts of Justice Concentration (Site) Act, 1865."

plan * upon which the New Courts should be built. By this Commission Her Majesty appointed her "trusty and well-beloved Edwin Wilkins Field" to be the Secretary to the Commission. It is the usual practice to pay the secretary for his services; but Mr. Field's heart was in the work, and at the first meeting of the Commission he requested that he might be allowed to act as honorary secretary without remuneration. "No other arrangement," he said, "would be satisfactory to him." He zealously discharged all the laborious and responsible duties of secretary; conducting a voluminous correspondence; ascertaining the accommodation required for the judges and officers of the several Courts, the most convenient position of rooms for counsel, solicitors, jurors, and witnesses, the necessary internal approaches to the several Courts and offices, and innumerable other details of great importance to the completeness of the work. He was

* 28 & 29 Vict. c. 48, s. 4.

indefatigable also in the preparation of the very elaborate instructions which were issued to the competing architects, and in the subsequent examination of the various plans; and the Report of the Commission, which gave a very accurate account of all the important work done, was drawn by him. In short, for three years, or until the work of the Commissioners was virtually completed, the duties of the secretaryship occupied his incessant attention, and had precedence of everything else.

The firm of which he was the head were appointed, by the Board of Works, solicitors for acquiring the site for the New Courts, and under his vigorous superintendence a very short space of time sufficed for clearing the ground on which the public and the legal profession are now anxiously hoping to see the New Courts begun without further delay.

CHAPTER III.

DISSENTERS' CHAPELS BILL.

IN the foregoing account one legislative measure, in which Mr. Field took the most lively interest, has been purposely left out, because his interest in it was greatly increased by religious feelings and convictions to which it is necessary to refer. He was brought up amongst the English Presbyterians, who, as a body, had by imperceptible degrees become Arians and Unitarians, without at any time allowing differences of opinion to interfere with the fullest adherence to liberty of conscience. To this religious body Mr. Field belonged during the whole of his life. In 1813, the clauses which had excluded Unitarians from the benefit of the Toleration Act were repealed by an Act which "passed through both Houses of Parlia-

ment without a division, or even a debate." These clauses, however, were found afterwards to possess a "posthumous vitality," which threatened to render them practically more injurious than they had ever been before their repeal. In the well-known Lady Hewley case, it was held by the Judges, and ruled by the Lords, that no endowment could be regarded as intended in favour of a form of worship which the law did "not tolerate at the time of the endowment, and that this original defect was not cured by any subsequent legalization of the same form of worship." It resulted from this that the chapels, burial-grounds, and religious property of the anti-Trinitarians, derived from their forefathers, and upheld and added to by themselves, were held by a title which would not be treated as valid in a court of justice.* A number of leading men among those whose most cherished possessions were threatened, met together to confer on what should be done. Mr. Field's suggestion,

* *Vide* "Parliamentary Debates on the Dissenters' Chapels Bill."

that the only remedy was an Act of Parliament, was at first regarded rather as a dream of his sanguine temperament than as a practical suggestion which could be carried out. Mr. Crabb Robinson expressed the opinion of a large number, when he said that it was hardly conceivable that such a Bill as was proposed would not be thrown out through the orthodox influences which would be brought to bear against it. But through the indefatigable labours of a number of earnest men, under Mr. Field's leadership,* and through the careful and vigorous

* The writer had himself good opportunity of judging of Mr. Field's services in this matter, but has nevertheless consulted others who were more personally active in it; and all whom he has consulted have said in substance what one has written:—"As regards the Dissenters' Chapels Bill, without Field and his exertions I believe it never would have been obtained. He is associated in my mind with every stage and incident in the proceedings." For the following particulars I am indebted to the secretary of the committee, Charles Fortescue Tagart, Esq.:—"Mr. Field was instrumental in procuring the formation of a committee of the leading members of the Presbyterian and Unitarian bodies to act in support of the measure. This committee was in constant session from its formation, on the 10th of January, 1843, until its final meeting on the 16th of July, 1844, immediately after the third reading of the Bill in the House of Lords; and during the time the Bill

attention of the members of the Cabinet under Sir Robert Peel, and the thorough way in which Sir William Follett (then Attorney-General) made

was in Parliament it met *de die in diem*. Mr. Field was constantly present or actively engaged in its work, and was the prime mover of its operations. After the Bill had passed, a report of the proceedings was prepared by the secretary of the committee and revised by Mr. Field, and having been adopted by a sub-committee, was placed, with the other papers connected with the preparation and passing of the Bill, in the custody of Dr. Williams's trustees. It appears from this report that the admirable paper of 'Reasons in Favour of the Bill,' printed in the Appendix to the volume of 'Debates,' &c., and which so largely contributed to inform the legal members of both Houses of Parliament as to the necessity and justice of the proposed legislation, was drawn by Mr. Field, and settled by Lord Cottenham in March, 1843. In the interview of deputations from the committee with Sir Robert Peel and members of the Government, Mr. Field was always requested by his colleagues to undertake the explanation of the evil sought to be remedied, and to point out the remedy desired. At an interview of an important deputation received by Sir R. Peel in February, 1844, Sir Robert, after a discussion carried on chiefly by him with Mr. Field, pledged himself to bring in a Bill, and expressed his anxiety that it should pass into law. After the Bill had passed the Lords, Sir Robert gave Mr. Field and Mr. Thornely, M.P., the assurance that it should be carried through the Commons with all the care and vigour due to a Government measure. Mr. Field supplied Mr. Gladstone with the materials for that very able and elaborate historical argument to which his speech was devoted. The publication of the volume of 'Parliamentary Debates on the Dissenters' Chapels Bill' was suggested by Mr. Field. The introductory preface was written by him in conjunction with Mr. Crabb Robinson, and the notes were almost entirely furnished by him."

himself master of the subject, the Dissenters' Chapels Bill, which was applied for in 1842, and the object of which was "the full liberty of private judgment, unfettered by the accident of ancestral creeds, and protected from all inquisitorial interference," received in 1844 the royal assent, and became a part of the law of the land.*

The high personal character of Sir Robert Peel as a statesman was strikingly shown in the earnestness with which he entered into the measure as soon as he was convinced that it was an act of justice, and in the whole of his conduct. On the 10th of May, 1844, the day after the debate in the House of Commons on the second reading of the Bill, the committee passed a resolution (unmistakably prepared by Mr.

* 7 & 8 Vict. c. 45, intituled "An Act for the Regulation of Suits relating to Meeting-houses and other Property held for Religious Purposes by Persons dissenting from the United Church of England and Ireland."

In a letter, Mr. Field states that he took charge of the Bill, with Sir William Follett's approval; acting under Sir William and Lord Chelmsford (then Sir Frederick Thesiger, and Solicitor-General) and Lord Lyndhurst (then Lord Chancellor).

Field), expressive of gratitude to the Government. On the following morning, a deputation waited on Sir Robert with the resolution. It was read by Mr. Mark Philips, M.P., who stated that the promoters of the Bill felt additional obligation from the fact that they were politically opponents of the Government, and expressed a hope that Sir Robert would not expect any change in their general political conduct. Sir Robert in reply said, that he certainly did not look for any further political support from them, and that any compromise of political principle on their part, as a demonstration of their gratitude, would tend to lessen his esteem for them.

While this matter was going on, an information was filed against the Trustees of Dr. Williams's Library, on the ground that they did not represent the theological opinions of the founder. In this case also, Mr. Field's religious zeal and legal ability were alike manifest. He drew up an elaborate historical memorial, to be

laid before the Attorney-General, and himself replied to the arguments urged, before the Attorney-General, by two eminent counsel, who argued the case on the opposite side. The considerations thus laid before the Attorney-General led him to stay all further proceedings.

After the passing of the Dissenters' Chapels Bill, a considerable sum of money was raised with the view of presenting to Mr. Field some testimonial in acknowledgment of the great services rendered by him in connection with the Bill—services which had been so indefatigable and incessant, that they tried even his strength of constitution, and rendered an interval of rest from business imperative. But he was unwilling to accept for his personal use the money which was raised, and at his request it was applied to the rebuilding of the Rosemary Chapel at Kenilworth, at which his aged father was then the minister. The Chapel now bears on its interior walls the following inscription:—"Under happy auspices, this Chapel, dedicated to the

worship of the one God and Father of all, originally erected 1705, was rebuilt in its present form, 1846, as a memorial of the great act of public justice by which the unrestricted right of private judgment in matters of religion is established, and the peaceful possession secured to non-subscribing Dissenters of all property transmitted to them from their ancestors. Added to a voluntary subscription for the rebuilding of this Chapel, of which his father was minister, the sum of £530 was appropriated, at the request of Edwin Wilkins Field, solicitor, of London, to whose acceptance it had been offered by the non-subscribing Dissenters in England and Ireland, as an acknowledgment of services rendered in aid of their exertions to obtain the legislative recognition of their right, as non-subscribing congregations, to hold trust property in accordance with the laws of the land."

Mr. Field and others felt that a legislative enactment so important in its effects deserved some memorial of a more public kind; and, after

deliberation, there seemed no better way of carrying out this object than by the establishment in connection with University College, London, of a Collegiate residence, "calculated to advance the progress of liberal education, and to promote the free exercise of individual judgment in matters of religion." In raising funds and in framing a constitution for "University Hall," as the Memorial Building was afterwards called, Mr. Field took a leading part, making several "missionary journeys" into the provinces to collect subscriptions, and giving unwearied attention to details of various kinds. The difficulties which arose were such as to make some of the supporters of the scheme think it would have to be given up; but Mr. H. C. Robinson, who was one of these supporters, speaking of a damping of hopes, says: "Nothing can extinguish Field's, so sanguine is he." University Hall was opened on the 16th of October, 1849. A highly characteristic letter from Mr. Field to Mr. Robinson, on the desirableness of securing

the freehold of the site of this building, in preference to the longest leasehold, must not be withheld in this its most fitting place :—

“ *Leam, 21st June, 1854.*

“I cannot be at the Hall to-morrow, and as you will be there, I want to get you to represent to the Council my dissent, for one, from your motion.

“It may be a superstition which makes people prefer freeholds to 999 years' terms ; but the world is full of such superstitions, and is all the better for them. I wish we Presbyterians were not quite so anti-superstitious. The *in perpetuam rei memoriam* betokens a feeling which the world gains by every indication of. All our educational establishments, to *be* establishments and chartered, must be freehold. Bishops will not consecrate a church unless it be freehold. A ten thousand years' term will not do. The idea is that that ground is to be devoted for *evermore* (so far as man can con-

template) to the purpose in view. Reserve but the reversion of one day between time and eternity, and you show an intention that the thing established shall not last.

“You will say that this is all foolish fancy, and that if such arguments against you are the best, you want no better case. To that, if I had no other reply, I should say only,—‘It is the superstition of me and many, if not almost all others, to prefer freeholds for all consecrated objects: be you tender to *our* superstitions. Any superstition is better than no religion at all.’ ‘Have you, then,’ you will ask, ‘nothing more to add—no utilitarian argument to show that a freehold is *worth* more than a thousand years’ term?’ If you *will* bring me down from the dreamland to money considerations, there are many such. The tenure of freehold is better for many reasons. Forfeiture is the penalty a termor pays for broken conditions. The leaseholder holds of his lord, the freeholder of the king, and the king is the safest

lord to be under. So much so, that were it not that all idea of future sale is excluded as to the Hall, it is clear that the property, as freehold, would be worth much more than on a thousand years' term. If we go for an Act for freehold, we also get ourselves incorporated. 'Another piece of ideality,' you will say. But it is worth much in efficiency, and more in its bearing in the eyes of the world. We can carry on our trade more profitably under it. Men will send their sons to a corporation, who will hesitate to deal with a joint-stock company."

CHAPTER IV.

LAW SOCIETIES.—PRIVATE PRACTICE.—
CLERKS.

OF the Incorporated Law Society Mr. Field was a member, and his partner, Mr. Sharpe, was on the council. Of *The Law Amendment Society*, established in 1844, he was an active and zealous member from, it is believed, its commencement. A few years ago this Society was merged in "*The National Association for Promoting Social Science.*" *The Metropolitan and Provincial Law Association*, which held its first meeting in 1848, had his warm sympathy and hearty co-operation ; its object being, "to promote the interests of suitors by the better and more economical administration of the Law, and to maintain the rights and increase the

usefulness of the Profession." He attended most of the annual meetings, and very often read at them papers, several of which were printed by the Association. After his death the committee, of which he had been a member from the birth of the Association, passed a resolution, expressing their deep regret at the loss of their colleague, "one of the founders and most active members of this Association," and adding: "The Committee gratefully acknowledge the eminent services he has rendered, not only to the profession to which he belonged, but to the public at large, by the employment of his great abilities, during a long and laborious career, in instituting or forwarding many important measures of Law Reform, especially those which have resulted in the abolition of the cumbrous, expensive, and dilatory practice, until recently the standing reproach of our Courts of Equity, and in procuring a suitable site, and initiating the plans and works, for the erection of a Palace of Justice worthy of this

great Nation." *The Council of the Incorporated Law Society* also bear their testimony to "the energetic assistance at all times rendered by him to uphold the character and interests of the Profession, to promote improvements in the Law and amendments in its practice ;" and add that, "with the Concentration of the Courts of Justice, and the selection of the site now fixed upon for their erection, the name and services of Mr. Field will always be inseparably connected." The directors of *The Solicitors' Benevolent Association*, of which he was a member, and one of the founders, bear a similar testimony to "his zealous and efficient co-operation in many important works interesting to the Profession."

Of Mr. Field as a leading partner in one of the most eminent legal firms in London, it is not necessary that much should be said. The position he occupied, and the confidence placed by his clients in his great ability—in his doing the best that could be done, even in the most difficult cases, are too well known to require

any lengthened reference here. It is also well known that some years since the firm became two—Sharpe, Jackson, and Co. forming one, and Field and Roscoe (the son of his old master), the other, and that the latter were afterwards joined by Mr. Basil Field and Mr. Francis.

There is, however, one point which requires a more extended notice. The relation between Mr. Field and his clerks was of an unusually cordial and confidential kind. It will readily be understood that so ardent a worker could not be an *easy* master to be under; but they saw that he made no demands on them which he did not make on himself; and his arrangements with them, and bearing towards them, caused them to feel that they were working *with* him, and not merely *for* him. He spoke to them of the firm as *ours*, and of its prosperity and honour as depending in no small degree on their hearty co-operation. Early in 1858, or late in 1857, one of his former clerks, Mr. T. Cobb, called on him for advice as to the selec-

tion of a portrait painter. The circumstances were that a number of clerks in a London office had determined to show their respect for their master by having his likeness taken ; and it was thought no one could better tell them who was the best man to go to than Mr. Field. It was so frequent a thing for him to be consulted on matters of art, that his suspicions as to the ulterior object of the visit were not awakened. After asking some particulars, which were given in general terms, he replied : “ The man you want for your work is Sir Watson Gordon, and him you should have.” Mr. Cobb said, “ But Sir Watson Gordon paints only in Edinburgh, and it is hardly likely the gentleman whose likeness is to be taken would be able to go so far.” Mr. Field replied, “ If so, tell the young men to drag him there. He ought to be proud of such a request ; and if he won't take the trouble necessary to the work's being done in the best way, he ought to be made—that's all I have to say.” Mr. Cobb's amused enjoyment of

this interview may be more easily imagined than described, as the gentleman referred to was Mr. Edwin Field, and the clerks were “a hundred clerks and pupils” who had been in his office. The portrait was to be presented to Mrs. Field, and to be of any size she might think most acceptable; and in due time Mr. Field was requested to go to Edinburgh, to sit to Sir Watson Gordon. The feeling which this tribute excited in him may be shown in fewest words by an extract from a letter to his friend Crabb Robinson :—

“Congratulate me. A hundred of my old clerks have subscribed to have my portrait painted. Men I have tyrannized over—bullied—taken the praise from which *they* really had earned—who knew every bit of humbug in me, and who have nothing more to get out of me—no sense of favours to come. Regard from such a body is worth having.”

The letter to the clerks themselves contains

very much the same, and much besides, and is peculiarly interesting. It has already been referred to in this Memoir, and will be again ; but two extracts will come in most aptly here :—

“ During my law days, the profession has greatly improved in its character and habits—improvements, I am satisfied, now only in their beginning, and the progress of which I know every one of you will heartily aid. One point, I think, wants more consideration than it has had : we want, among us lawyers, more of what would be the equivalent of the *clinical* teaching of the medical profession. I mention this, because I believe that there has been between you and myself greater harmony and intimacy, and a greater amount of mutual reliance and common action, than is usual between master and pupil ; and I attribute this to our having been more *clinical* in our ways than I think most are, *i.e.*, to the practice you know I have always followed, of having one of you at work

on the same job with me on all possible opportunities, even during the most private conferences with the client. I am satisfied this is *right*. Trust a man, and he becomes worth trusting; and the client has the great advantage that the subordinate helper works in intimate possession of all the minutiae of his affairs and desires. I am sure it is *pleasant* and *profitable*. 'See everything that is done, and how it is done; but do nothing yourself which another man can do for you,' is the true master's rule. It is the way to get work through easily, quickly, and with intelligence; and certainly the way to unite master and clerk in mutual bonds of confidence and regard. I hope such of my old clerks as become masters may follow my way in this respect.

"It is all very well to talk about masters—that A is a great man of business, and so on; but what is the captain without his men? Thanks to you, my good friends, and to your exertions, it has been my fortune to sail rarely

without a first-rate crew ; and many is the little bit of praise I have got which really ought to have been yours. Thanks to you for more than this. The rest of my voyage can't be long ; and the expressions of regard you have just made will enable me to bear up and steer right onward through future squalls and vexations with better heart than I could otherwise have had."

Of the portrait itself, the engraving of which must be familiar to many who read this, it need hardly be said that, as a work of art, it is admirable, though it fails in one respect, viz., in adequately representing the force and energy which were so characteristic of him from whom it was taken.*

Mr. Field's generosity to younger members of his profession was often of the most con- siderable.

* The most *characteristic* likeness of Mr. Field, in the writer's opinion, is to be found in a painting, by Mr. Walter Field, of his father in a boat on the Thames, with several members of the family and one artist friend. In this picture, which was exhibited at the Royal Academy, Mr. Field is standing up in the boat, and trying to make his companions see what he thinks a capital subject for a sketch.

rate kind. One who was formerly his clerk, but is now in practice for himself, writes:—"Shortly after I first began business as a lawyer, and when I had abundant time on my hands, it so happened that some friends of mine had occasion to employ a solicitor in an important matter, which, as they considered, could only be entrusted to some one of large experience. They accordingly went to Mr. Field, although if I had been older they probably would have come to me. Mr. Field went almost as far as to tell them that, unless he were permitted to associate me with him, he would not undertake the business ; and this purely from a desire to help me. I of course should have been glad, if only for the sake of the experience to be gained, to do all the work as his clerk and without pay ; and this he well knew. Nevertheless he took upon himself all the responsibility, and insisted upon my taking half the profit. I need not say that this arrangement was an extremely welcome one to me, not only

by reason of the profit it brought, but also because of the experience I gained in doing the work. I am sure many others must have similar stories to tell of his generosity and disinterestedness."

Another of his former clerks writes: "One point in the dealings with his clerks should, I think, be noticed ; and that is, his desire to help them onward in life, regardless of the trouble caused to himself in parting with them, often in the very crisis of work in which they were associated with him. Many of his old pupils would confirm this. . . . Absorbed as he was in the business in hand, yet so great was his personal interest in them, that he never hesitated for an instant at surrendering them when their personal and private welfare suggested it. The conviction of this called forth their best exertions. I never knew any one of equal power in developing whatever talent there might be in his pupils ; nor any one who was served so *con amore*."

CHAPTER V.

ART.

HITHERTO Mr. Field has been spoken of almost exclusively in his capacity as a lawyer. This sketch would be very defective if something like an attempt were not made to depict him also as a lover of art and as a man. One who knew him intimately made the remark, that after a time it will seem almost incredible that there were not two Edwin Fields—the laborious lawyer and law reformer, and the friend of art and artists. And it has been a wonder to many how one man could have the time and strength to do so much in his profession, and also so much out of it. But he has given his own account of the matter, in his letter to his “century of clerks and pupils”:

“There is a favourite rule of mine, which I am sure I have preached to every one of you over and over again; it is, ‘Have one horse, and one hobby.’ I trust I may have helped to teach you all to ride our common great horse; I am also happy to have induced many of you to mount my especial hobby. A hard-worked lawyer can scarcely find a better solace than the study and pursuit of art. To me, these have been inexpressible blessings; I never knew what sunshine was till art told me.”

The high value he set on art as a recreation for busy men is shown also in a letter written by him in April, 1853:—

“You have heretofore prefixed to your catalogues a few words in favour of art, and of its pursuit by amateurs. There is one view of the subject almost peculiar to amateurs, which I think you have not adverted to—I mean the study of nature as operating to soothe a mind worn and torn by affairs;—*nature*, that is, as a

balm and 'sovereignest remedy,' and *art* as the truly efficacious mode of applying the remedy. The revival and cure are effected by a process, not slow and vegetative, as when we turn out a worn horse to grass; but instantaneous almost, and Antæan,—renewing, to a man just about to faint in his world-struggles, all his first strength, the moment we bring him into genuine contact with his mother Earth. This belongs not so much to *artists*, as the study then is the very life-struggle itself. But to amateurs, who have other duties as their main calling, art is a relaxation and cordial only."

To this letter is added, on a separate piece of paper:—"Thinking of the subject, the school tale of Hercules and Antæus, I think it was the son of Terra, comes to one's mind. Antæus drew fresh strength each time he touched the soil, and Hercules destroyed him only by strangling him in the air. Let Hercules stand for world-cares, and the old mythology will

apply. *Terra* has her cure still in her land, and water, and sky."

In the early days of his professional career, while he was still living in London, he introduced drawing at the Harp Alley School, and had a class there once a week to teach it.* He had not then much *practice* in art. A few years later, when he had broken the small bone of his leg, and was incapacitated for a time for active pursuits, he spent the long vacation in sketching at Ventnor. From that time forward art formed a great portion of his existence, and the original drawings made by him in successive long vacations fill many folios. After his removal to Hampstead, in 1836, he taught at his own house a perspective class of working men in connection with the reading-rooms, in which from the first he took great interest. Later, a *Conversazione Society* had its birth at Squire's Mount, Hampstead, the residence to which he had

* Mr. Field was always fond of stating that he owed the beginning of his love for Art to his old friend William Ryder, a Warwickshire Artist.

removed, and which was his home during the rest of his life. This society held its meetings at the "Hollybush Tavern," where the walls of the large assembly room were covered with drawings, and another room was set apart for a short lecture, usually on some scientific subject, with diagrams and experiments. He himself delivered the opening address, and during most of the time the society lasted, which was a good many years, assisted to collect and arrange drawings, and to provide matters of interest. Those who were habitually present at these meetings will remember how interesting and varied the collections of sketches and pictures were, and how readily they were contributed to by some of the leading artists of the day. In connection with this society he became acquainted with the late Mr. Toynbee, the eminent aurist, who was one of the most frequent lecturers, and for whom he entertained a deep feeling of regard.

Among Mr. Field's papers there is one con-

taining, in pencil, notes of the opening address above referred to, or of an address delivered by him at the same place on a later occasion. After dwelling on the general advantages of joining together for a common object, he said :—

“ And I am delighted that the chief object to which our combination is directed is Art. For my part, I think we ought to have now and then some set discourse on Art, some oration likely to put it on a higher pedestal than it before appeared to our mental eye. But any such discourse should be a discourse trim and prepared. It is not becoming that we should treat, in the mere slipshod speeches of the post-prandial period, of a subject so pure and noble. Our homage to the high sovereignty of Art should be paid more composedly and reverentially. It is a subject that should rather be approached *fasting* than *feasting*. And yet, with all these works of Art about us (or rather of Poetry—for

Art is nothing except so far as it embodies and discloses to us the poetic genius), it would hardly be becoming not to say just one word in its praise. I do reverence Art. I do look on it as being one of the divinest gifts of our nature. Incomparably distant, no doubt, from those high matters which are the subjects of your sacred functions" (the Rev. T. Ainger was probably in the chair), "yet, Protestant as I am, I do look on it (just as the great painters did) as the fit minister to them. All that tends to develop a love of Art in us I do deeply respect. Science is grand, doubtless ; but Art and Poetry are far grander. The first deals only with our intellectual part, increases our knowledge of and power over physical nature, and makes us physically richer ; but the second enriches us in the affections, and deals with that impulsive part of our nature which alone makes us the objects of regard and love ; one is a matter of the head, the other a matter of the heart : much of the one we could imagine might be comprehended

by a Babbage's calculating machine ; every part of the other is a spark of that fire divine which has been implanted in our hearts from above. The productions of Poetry and Art last for ever. Honour will last when gunpowder is forgotten. For my part, I say, Develop a love of Art in every way. Encourage it in yourself, and your children, and everybody. It is the high antidote against the sensual and selfish. It will give you new eyes wherewith to draw in and make part of yourself the very beauty of nature, and new undreamt-of capacities for enjoying it. It will assuredly improve and elevate your character. And, next to those incomparably higher sources of enjoyment I have referred to, these will be found the purest, and the simplest, and the most satisfactory of all that man is capable of here."

In a letter to Mr. Loring, in 1857, Mr. Field says : " I have had four days' holiday at Manchester, with a party of artist friends ; and such

a lesson in art, and in what one should learn from art (*viz.*, to look for higher and better things in nature than one had seen before), I had never hoped to have. I am full of thought (as full as law work will let me) about moist colours, drawing paper, umbrellas, tents, and so forth."

On the capability of art for religious expression, he speaks in his own strong, poetical, Miltonic way, in a letter to the writer, in connection with some of Flaxman's relievos presented by Mr. Field and Mr. H. C. Robinson to the congregation, of which the former was a member, for erection in Rosslyn Hill Chapel, Hampstead: "These reliefs of Flaxman's are as truly psalms as those of Wesley or George Herbert; if not as devout, after their speech and language, as those of the old King of Israel himself." And while acknowledging that souls are differently strung, he asks that those who cannot interpret this particular gift of tongues, will not "debar others from singing in harmony

with Flaxman's holy songs,"—unless it can be asserted "that the very angels could not mould out of mere clay divine things fit for the sacred house."

As Mr. Field was a warm lover of art, so he was a warm friend of artists. As his house overflowed with their works, so his heart overflowed with personal kindness towards themselves. To them his house was open with a boundless hospitality. He always seemed to treat them as the living representatives of a source of happiness to which he owed a greater debt of gratitude than he could ever pay. They had been to him the interpreters of Nature, the priests who ministered at her altar, and whose vocation is to enable others to see and feel the wonderful beauty and grandeur of sunshine and shadow, of tree and water, of plain and mountain, of cloud and sky, and of the human face and form in all their manifold expressiveness. In a letter to Mr. Loring, in 1854, he says:—"I have seen little of your

legal friends here lately. In fact, as much as I can get leisure, I spend it with artists rather than lawyers. Their atmosphere is more wholesome for my constitution."

Those friends to whom he acknowledged himself under such obligation, for opening his eyes to the life of Nature, reciprocated most fully his sentiments, and of his "hosts of friends" were, perhaps, the most frequent and the most numerous of his visitors. They felt that his enjoyment of their companionship was as great as theirs of his, and were encouraged by a sympathy which helped them to realize their "high calling." Nor were occasions wanting when he was enabled to render them valuable assistance, by means of his personal influence and professional ability; and then they could not hesitate to ask a service, which they well knew would be to him a genuine pleasure.

Such an occasion offered itself in connection with the Artists' Copyright Bill.

This Bill* passed in 1862, and the part he took in it may be best judged of by the following letters :—

E. W. F. TO J. R. HERBERT, ESQ., R.A.

“ 29th November, 1857.

“As I promised, I put into writing what I was saying to you this afternoon by word of mouth. I do trust the Academy will continue to agitate as to the Law of Artistic Copyright. The state of this law now, or rather the state of utter lawlessness in which art property is now, is a disgrace to a civilized country. As far as I know, our empire is the only European one (setting Russia and Turkey aside) in which an artist has no property whatever in the products of his own industry and genius. By our present law, the morals of this country are damaged, Art is injured and insulted, and the artist is robbed, not only of his property, but,

* 25 & 26 Vict. c. 68, intituled “An Act for amending the Law relating to Copyright in Works of the Fine Arts, and for repressing the commission of Fraud in the Production and Sale of such Works.”

what to many is worse, of the children, as it were, of his imagination and heart. The highest class of productions is least attended to ; for our law protects every tradesman and manufacturer against the piracy of his trade-marks, while you painters may be swindled at will—injured at once in purse and in reputation.

“Second, as to the ways and means of mending the law. How is it that our laws are such on a subject so precious to so many as Art is ? There is scarcely a man—certainly no body of men—in the land, who would have the slightest objection to a statute being passed, establishing artistic copyright. With the bulk of men, such a measure would be popular. To carry such a law through Parliament, would be for a legislator to decorate himself with a more lasting honour than a star or a ribbon. The Act would probably be called ever after by his name, as the present imperfect one is called Hogarth’s Act.

“Why, then, has the matter not yet been broached in Parliament? There is no difficulty in answering this question. It is because the artists, by their recognized heads and representatives, have never set about in earnest to get such a law passed. If they will not ask for it, of course no one will force it upon them. It is not for me to say to you Academicians what a body like yours ought to do in such a matter; but I know that all who understand the subject, and love Art, and look on it as one of the greatest of civilizers, think the Royal Academy has been culpably remiss. Till the Academy shows its determination to assert—with any modesty and temperance it pleases, but still firmly and from session to session—the rights of its noble profession, nothing effectual can be done. What is wanted is some committee of artists, constituted so permanently as that it is not to be dissolved till the question is carried and set at rest. Your Council shifts its members from time to time; and, moreover, the

water-colour artists should perhaps take some small share with you in the matter. The wider the roots from which such a committee springs, the wider will be its influence and the easier its action ; but the Academy must be the head.

“ Next, there is wanted a well-considered sketch of a Bill to be laid before Parliament.

“ Next, a good member of Parliament to take charge of it.

“ I would say, as to this last point, that there is now in Parliament the very man for the task—our friend Mr. ———. You know how interested he is in Art, and that he has many artists among his old and valued friends. I do not doubt that if he were asked by the Academy, or by any important body of artists, he would throw his heart into the subject. If he would, then he should be consulted as to what draftsman he would like to have instructed to prepare the Bill. I myself should say our friend Mr. ——— was the man for the work. The draftsman should have a fee for doing the work. Printing would be

needed, and other sources of expense would arise, and the committee ought to have a hundred pounds or so at their disposal to meet the pecuniary part of the affair. Much more would not be necessary.

* It would be very desirable to ask the principal anti-pirailleurs to form a committee of their own body also, to act (I should hope) in co-operation.

"I think you should also ask the Council of the Photographic Society to take up the matter; for, without recognizing their right to use, as to their productions, terms applicable to those you create—works, studies, and the like—there is necessity for a law to prevent piracy of photographs, and the words of the Act of Parliament you would require would probably embrace their case.

"You will want to collect for your member of Parliament, and probably for the Government, a number of individual instances of injustice suffered. To do this I should say, a set of

printed questions should be issued by your committee to the principal artists, to ascertain the particulars of each case in which they have themselves suffered, or known others to suffer from (1) forged copies of their pictures, or sale of other pictures under their names; or (2) from engravings, or lithotints, or photographs of their pictures being sold without their consent.

“All this done, I don’t in the least doubt that the year 1858 should see the passing of a fair and honourable Act as to artistic copyright.

“But, to pass a law next Session, there is not a day to be lost. The member of Parliament who is to lead in the matter must be seen before the Christmas holidays, and the draft of the Bill must be in such a state that he can fully study the subject and settle it then.

“You say you shall mention the subject at the meeting of the Academy on the 10th of December. I do trust they will follow up the very wise move they made a year ago by

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“It would be very desirable to ask the principal art-publishers to form a committee of their own body also, to act (I should hope) in co-operation.

“I think you should also ask the Council of the Photographic Society to take up the matter; for, without recognizing their right to use, as to their productions, terms applicable to those you create—‘works,’ ‘studies,’ and the like—there is necessity for a law to prevent piracy of photographs; and the words of the Act of Parliament you would require, would probably embrace their case.

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“You say you shall mention the subject at the meeting of the Academy on the 10th of December. I do trust they will follow up the very wise move they made a year ago by

some further action, so ordered and considered as to be continued without intermission till the end is accomplished. It will have one—and but one—thing to overcome, the *vis inertiae* always found in all Governments and legislatures, and perhaps a little of the same quality in yourselves.

“P.S.—The law to protect sculptors should also be considered, and probably the French plan adopted. I imagine that one reason why we have so few statuettes and other small works in plaster brought out in England, is the want of a revision of this part of the subject.”

E. W. F. TO MR. BARLOW.

“26th February, 1858.

“You are fond of Art, like myself. ‘Copyright,’ says V.C. Page Wood, in a judgment in to-day’s *Times*, ‘is considered for the highest purposes of society, in every country, as necessary to be secured to those who contribute to the civilization, refinement, or instruction of man-

kind, and extends in this country, if not elsewhere, to every description of work, however humble it might be—even to the mere collection of the abodes of persons, and of streets and places.' Artists, however, have no copyright. Not only, as against the artist, may I have any pictures I can get hold of copied and recopied, but I may sell the copies as originals, and copy his name and signature. Indeed, as against the public, it would seem that there is no crime, for where a man bought one of Linnell's pictures, and had it copied, signature and all, and sold the copy as an original, the Judges the other day quashed the conviction. (*Weekly Reporter* for 1857, p. 109.)

“A committee (Eastlake, Chairman), principally of Academicians, but with engravers, water-colour painters, publishers, and a few lawyers, are at work. (See the enclosed.) We have got things into ship-shape, and are to meet next week for a night's debate on the heads of a Bill to be solicited. There has been a great collection made of

instances of fraudulent acts which have occurred, and it is being tabulated. Blaine, of the Inner Temple (who wrote a good little book on the laws of artistic copyright), has drawn up a capital statement of the present defects; and on next Thursday I want very much to propose (what I know it would delight the painters to accomplish) that the son * of one of the very greatest painters England has produced (witness the Jersey Battle at Manchester Exhibition), should be solicited to take the Bill into the House of Lords."

E. W. F. TO SIR R. BETHELL.

"5th April, 1861.

"Dear Mr. Attorney,

". As to artistic copyright, the artist will deny *in limine* that any work of art *is* or *can possibly be* a copy of nature. A photograph is a copy; a map, in a sense, is a copy. But the fundamental condition of a

* Lord Lyndhurst, son of J. S. Copley, R.A.

work of art is that it should not be a copy of nature, but a copy of that *feeling* only which nature has produced and stamped in the artist's soul.* It must essentially omit and banish nine-tenths of what the artist's eye and retina saw, such nine-tenths being to his mind and taste impertinencies, and antagonistic to the feeling and pulsation the scene produced in his mind, and which feeling and pulsation it is the essence of art to reproduce. If ten artists sit down to paint the same identical scene, the ten pictures must essentially differ *in toto* (so far as the artistic quality of the designs go) *inter se*; whereas ten photographers would produce ten pictures precisely alike.

“ And the artists will all tell you that, as far as they are concerned, they do not want to protect any work which has not stamped on it this essential element of all real works of art, viz., the passion and peculiar mental character

* This dualism, or duplication, or correspondence of feeling, some of the writers have pointed out as of the essence.

and impulse of the individual human being who painted it. So, if Sir Joshua and Gainsborough had sat down to paint portraits of the same man, even in the same attitude, and although each portrait should be so perfect a likeness that you could not imagine a touch to improve either, the two would essentially differ, and each would unmistakably be the distinct peculiar speech, or song, or poem, so to say, of its particular author, on the theme common to the two. Art is nature reflected, not in or through a *lens*, but in or through a *highly organized sentient soul*; such soul eliminating that which to such soul is the exciting quality of the scene forming the theme of the picture.

“ You will excuse me for this piece of metaphysics, because the painters, one and all, conceive (and I think rightly) that it lies at the very bottom of the subject of artistic copyright. The beautiful statue of the Queen must possess *design*. A mould taken from Her Majesty’s face by plaster-of-paris, or by the

reducing or copying machine (which mechanically carves out absolute *fac-similes*), would possess none. In point of art, it would be a mere dummy. It would have none of that artistic passion and feeling which the modelling or sculpturing artist throws into his work by every stroke of his tool."

[The letter then enters into certain criticisms as to the interpretation of clauses and the meaning of words, partly defensive, but at the same time acknowledging that the Attorney-General had caught the framers of the Bill "tripping somewhat." In one part, the letter, referring to Mr. Jacob Bell, says, "who helped me much in drawing out the outline of the Bill."]

"I shall send your notes and a copy of this to Sir Charles Eastlake. He and the artists will be deeply gratified by the thorough and laborious study they will see you have given to the subject."

After the passing of the Act, the Council

of the Society of Arts, Manufactures, and Commerce expressed to Mr. Field, in a letter, on their own part and that of the large body of artists and others forming the committee who had charge of the measure, their thanks for his ready and efficient services rendered "on all occasions, both in the preparation of the Bill and in its passage through both Houses of Parliament." The Act, as passed, did not grant all that was desired by those who had taken up the subject, but they thought that "the main object had been secured." His answer shows how far he himself was from being satisfied with what had been granted. He says:—"No labour that I can ever give on this subject will repay the obligations I am under to art and artists for a great deal of the pleasure of my life. While I agree in the observations of the Council as to the value of the Act, of which the instrumentality of your Society has lately procured the benefit, it must not be concealed

that our law of artistic copyright is still in a most unsatisfactory and unworkable state. May I take the liberty of adding that I earnestly trust that your Society will continue its exertions on the subject, not only till the existing defects and anomalies of English legislation respecting it are removed, but until the laws of the chief countries of Europe on literary and artistic copyright (and perhaps also as to patent rights and trade-marks) are assimilated? The Council, I am confident, will forgive me if I ought not to have made these remarks and suggestions; and will attribute the error to the interest which I, and which I know they also, feel upon the subject."

The establishment of the Flaxman Gallery is another work in which Mr. Field took an active part. It is well known that mainly through the exertions of Mr. Crabb Robinson this Gallery was formed at University College, and a large number of the works of the distinguished sculptor, the gift of his sister-in-

law, Miss Denman, were deposited there for the public benefit. The present writer has had access to Mr. Robinson's written Diary, in which is given an account of all the steps from the beginning, by which an object of national interest, and very dear to the promoter's heart, was accomplished. In the progress of the negotiations and arrangements, unforeseen difficulties arose from time to time, both as to a satisfactory place, and as to the works themselves. These difficulties are recorded as they arise, — and then usually follows, "I went to Field," who was always sure to find some means of overcoming them. Mr. Robinson said that without his friend's help the Flaxman Gallery would not have been established; and when all was settled, Miss Denman wrote—"It is to you, my ever kind friends, Robinson and Field, that the University, as well as myself, is indebted for the good that must accrue from the possession of those works, not only in the present, but

future ages." In 1862 it was proposed that duplicates of some of the principal works should be made, and that these should be placed in the Great Exhibition of that year, and afterwards distributed among the subscribers. To the fund for this purpose Mr. Field contributed liberally, calling it the "Selfish Fund," because he considered the gain to be so great in proportion to the cost; and in asking the friend above referred to, to join him, he says, "But, you may ask, if I have, for my twenty pounds, four or five of the best *bas-reliefs*, what am I to do with them?—Give them away, I would answer." And that is what was done with most, if not all, by both. In a letter of an earlier date, February 22nd, 1860, Mr. Field says:—"The completeness of the collection, the right understanding of Flaxman's genius, and the interests of art, so far as they centre in the Flaxman Gallery, require the possession, by the Gallery, of some of his more choice *drawings*." The same day, the

Graphic Society, of which Mr. Field was a constant visitor, passed a resolution embodying these views, and contributing twenty-five pounds towards the purchase of the drawings. It was considered that a sum of from four to five hundred pounds might be advantageously expended in making acquisition of works to be selected by Mr. Foley. A subscription was set on foot, and an especial appeal made to those who had contributed to the formation of the Flaxman Gallery. The result was that Flaxman's principal drawings were placed with his works at University College, and some of them were photographed for the subscribers themselves.

In 1863 Mr. Field received a Portfolio very valuable in its contents, and very gratifying as an expression of personal feeling towards himself. The Portfolio contains thirty drawings from members of the Old Water-Colour Society. On an illuminated card, signed by the thirty members who contributed (or all who were living

at the time of the presentation), it is stated that the Folio was presented "as a token of their sincere regard for him as a friend, and also as an acknowledgment of his earnest activity in furthering the general interests of the Society as its solicitor." The nature and value of this collection will be readily understood by those who know what the members of the Old Water-Colour Society can do, and would do for such a friend. There is one beautifully finished drawing there, which, while it was in progress, took the fancy of a would-be purchaser, who offered a large sum for it. When Mr. Field heard of this, he said, "You must by all means let it go, and do something else for me; I cannot allow you to be so great a loser as you would be otherwise." But the reply was irresistible,—“If this drawing has any special merit in it, it is on account of the friend I had in my mind when I was at work at it.” And certainly that drawing has about it a peculiar charm, which, though felt at the first

glance, seems to increase rather than become less with familiarity. But there are others which, in their different ways, have as much genius in them, and as much love. And there is hardly one which has not in it some characteristic excellence. This Portfolio was followed some years after by one containing fifteen very interesting drawings by members of the Langham Society,—a society formed for figure study. A quaint old-style letter says that the drawings are in acknowledgment of “services received.” Mr. Field was the solicitor of the Society, and drew up its constitution.

One of Mr. Field’s favourite ideas was the establishment of a School of Art in connection with a University, with a view to the collateral advantages which such an alliance would afford. So early as 1847, in conjunction with the Artists’ Society for General Study from the Life (afterwards the “Langham Society”), he advocated the establishment of a Faculty of Art at University College, London; and in the

winter of that year joined, in Paris, one of the principal members* of the Society with the object of collecting practical information. The scheme fell through owing to the want of suitable buildings. On the death of the Prince Consort in 1861, Mr. Field suggested, as the most fitting memorial to the Prince, whose love for fine art was well known, the erection of a building suited to a Faculty of Fine Art, and attached to something like a University. This, he says, is a want felt not only in England, but also in Europe. And a letter he wrote on the subject shows that the plan of such a Faculty had to a great extent matured itself in his own mind. "No one," he says, "can really succeed in the pursuit of the Fine Arts who is not im-

* This was Edward Dighton, whose early death was to Mr. Field a heartfelt grief. Some time after that event a collection of Mr. Dighton's drawings was exhibited at the Hampstead Conversazione; and Mr. Field read a sketch of the life and principal works of his late friend, paying a very high tribute both to his ability as an artist and his character as a man. Mr. Field says :—"In my life, I have known no one so generally and deservedly admired for his person and conversation,—so thoroughly respected for his character and judgment,—so widely, deeply, and entirely loved."

pelled to it by an impulse like that which moves the poet ; and yet to give him power of utterance, means are required never yet attempted to be offered. Genius is perhaps innate, but the grammar and orthography of art must be learnt by study.

“ An institution, therefore, is required, the primary object of which should be to afford the most ample means of making art-studies from the life. To this end, there should be, not only several theatres like those of the Beaux Arts at Paris, but at least one theatre large enough to admit—say, a waggon and horses to be driven. Not only our own domestic animals, but such animals as camels, llamas, and the like, should from time to time be introduced there for study. It should, further, have ready teaching at hand on many subjects, so far as they are cognate to the fine arts, such as anatomy with dissection, the laws of colour and light, of clouds and atmosphere, of chemistry and vegetable physiology, particularly as regards forest trees,

perspective, and, I may say, natural science. Practical laboratories should also be accessible. There should be a range of rooms with casts of all the best ancient and modern sculpture."

In April, 1868, the will of Mr. Felix Slade was proved, containing his munificent bequest for promoting the study of the fine arts. One Professorship of Fine Art was to be founded at each of the Universities of Oxford and Cambridge, and one or more at University College, London. In connection with the last, there were also to be six scholarships of fifty pounds per annum each. In the administration of the large sum of forty-five thousand pounds, which would leave a handsome surplus after the provisions of the will had been carried out, considerable discretion was allowed to the trustees. This splendid bequest revived Mr. Field's hopes for his long-cherished project. At the beginning of May the bequest was reported to the Council of University College, and a committee was appointed (on the motion of Mr. Grote, then

Treasurer* of the College) to communicate with Mr. Slade's executors. Of this committee Mr. Field was a member ; and two months after the proving of the will he wrote to Mr. Grote a letter, at the request of the committee, embodying their views, as gathered by him, and setting forth an elaborate scheme for the substitution, at University College, of a Slade School of Art in place of a mere professorship or two. It is not necessary to enter into the details of this scheme. By such an enlargement of the original intention, not only would a vast benefit be conferred on the public, but the professor himself would be compensated for his additional labours by the increased fees he would receive ; and the students would have not only scholarships for which to compete, but also the best means of fitting themselves for the competition. In order that the plan might receive the highest recommendation, it was laid before distinguished

* On the 4th of July of the same year, Mr. Grote was elected President of the College, in the place of Lord Brougham, who died on the 9th of May.

artists, and others who had experience in connection with art-teaching ; and, having been supported by their warm approval, and amended by their suggestions, it was submitted to the Slade Trustees, with whom, of course, rested the ultimate decision. After full consideration, they showed their hearty concurrence by granting, out of the surplus at their disposal, five thousand pounds towards the necessary buildings. The committee, who originated the plan, superintended its carrying out ; and Mr. Field was almost always present at their very numerous meetings. He took an active part in the preparation of reports, and in communications with the legal advisers of the Slade Trustees, and with the Council of the College ; and he also carried on an extensive correspondence with art societies and with individual artists. The day before his death, he came to London to attend a meeting of the committee, whose work had then been almost brought to its completion. A few weeks later the Slade

School of Art was opened, under promising auspices, by the first Professor and Superintendent, J. E. Poynter, Esq., A.R.A., who delivered an inaugural lecture on the occasion.*

At their session on the 4th of November, 1871 (the first after Mr. Field's death), the Council of University College, of which he had long been a member, directed a minute to be entered on their proceedings recording their deep sense of the loss which the College has sustained by his death, and stating :—

“ Amidst the distractions of a very laborious profession, Mr. Field was on all occasions ready to devote his time and his great practical abilities to the service of the College. In the preliminary arrangements for establishing the Slade School of Art he had taken a leading part, and had brought to the task an amount of zeal and artistic knowledge, to which, more than to anything else, was owing the success which thus

* No fewer than fifty students have already entered their names and commenced work.

far has attended those arrangements. In this branch of the College his loss is irreparable.”

In 1862, at the request of Her Majesty's Commissioners, Mr. Field acted as a member of the Committee for the organization of the Fine Art Section of the International Exhibition.

In private he was always ready and glad to give his advice and assistance when art and artists were concerned ; and the opportunities which occurred were innumerable. On being asked for his bill by an artist-friend to whom he had rendered valuable professional services, he sent the following reply :—

“ My dear Sir,—

“ You are indebted to me—

“ For the stamp in the	<i>s.</i>	<i>d.</i>
agreement of reference .	2	6
“ For cab-hire to you . . .	1	0
	<hr/>	
	3	6

“ I owe too much to art to take anything from it on such an occasion.”

The following letter was written a few months only before his death, in reply to a request from Mr. Arthur Ryland, in behalf of a friend, for suggestions in regard to the foundation of a Trust for promoting the fine arts in Birmingham :—

“ Hampstead,

“ 2 Feb., 71.

“ My dear Ryland,—

“ I dozed and mused and dreamt much last night on the subject you spoke of ; and having spent a happy hour or two this evening in reading dear old Davie Roberts’ ‘Life’ (the quarto edition, mind, with his pen-and-ink drawings and etchings—don’t make a mistake there), I thought more seriously over my life-long debts to art—the joy and sunlight it has thrown over my life, and how little I had ever done or could do to repay such an ocean of debt.

“ So, as the first-fruits of my regretful thoughts, I determined I would write you this

note to say that, if it would help in your artwork, I would sketch for you a first draft or scheme for your Art Trust.

“ More thought, and a talk with my artist son this morning (to whom, however, I would not mention your name or Birmingham), satisfies me that a little fund for the yearly purchase for a permanent public local gallery, *on high artist report and recommendation* (mind, that is of the essence of the value of the scheme), of some of the works annually exhibited at your exhibition, would have a twofold value ; each of the two of high promise.

“ 1st. The mere recommendation, with reasons alleged, would be of the highest encouragement (and money value too) to the young artists whose works might be selected. And, 2ndly, the examination of the works selected, with the light of these reasons (which should be in the catalogue, ultimately making for the gallery to be formed in your town a *catalogue raisonné*), would be the most valuable of all possible

lessons in art to all spectators studious of learning the mysteries and magic of art.

“Of course I could wish that my native county should have £300 a year to expend in this way rather than £150. But really I doubt if more than—say £300, would be wise and good. And sure I am that £150 expended in getting good artists to select and report (for which something like £20 a year should be allowed) and in purchasing, will, with the value which attaches to the praise of an eminent man (*laudari a laudato viro*), create an art-influence on both artists and amateurs in your district that will amaze every one.

“If the founder will not give his name to the fund, then call it ‘The David Cox Fine Arts Fund,’ and so honour one of the very truest, purest, and greatest artists England has produced, and a Birmingham man! *Deo laudamus!*

“Though the funds should, in the main, go to the purchase of works by living and rising

artists from your exhibition walls, yet it would be well, and most honourable, if, somehow or other, works of three or four great Birmingham artists could be procured for the gallery, which would have to grow up under the operation of the Trust: Cox, James Holland, two most noble ones; Creswick, good; and, for a living one, Mark Anthony, who, though a little thought of at Birmingham, will some day possess great renown everywhere. But of your £3,000 let nothing be ever spent but the income."

This scheme was not wholly carried out; but £3,000 were appropriated to the formation of a Trust for the purchase of pictures, to be presented to the Public Art Gallery belonging to the corporation of Birmingham; and the founder of this Trust was much encouraged to carry his contemplated plan into effect by Mr. Field's letter.

CHAPTER VI.

HOLIDAYS.—THE THAMES.

FROM the amazing quantity of work Mr. Field got through,* it might, not without reason, be supposed that he was one of those drudging toilers who despise what the world calls enjoyment, and secretly murmur at losing so much time, from the necessity of rest. This,

* Nothing has been said of many things in which he took an active interest, *e.g.*, the repeal of the Corn Laws, in favour of which he delivered some lectures, and the establishment of a Law University, on which a paper of his was printed. He delivered, at various places and on various subjects, a good many lectures: three at Warwick on "Political Economy;" a course on "Engraving, Woodcutting, Lithography, &c." at the "Hollybush," Hampstead; a course on "Electricity" at the Hampstead Reading-Room; one lecture on the "English Constitution;" and one on a "Watch;" in addition to the courses, referred to elsewhere, on the "History of Religion in England." And, besides the pamphlets he wrote, there are a large number of short articles from his pen on manifold subjects in newspapers and magazines.—*Vide* List at end.

however, was by no means the case. He was a great advocate for holidays—not only for what they enable a man to do, but also for what they are in themselves. He speaks of himself as looking forward to them “with schoolboy expectation;” and not only did he himself contrive to get a good share of them, but he was quite as anxious that others should have plenty of them too. And as he did nothing by halves, he had no sooner got away from the scenes of his busy London life, than he was so engrossed with the joys and pursuits of the country, that there was no room left in his mind for haunting business cares. He would often drive to the place selected, and take a perhaps rather circuitous route. In 1857, when he was going to the Dorsetshire coast—probably to Lulworth, to what he calls “wild old quarters, dearly loved by us”—he says to Mr. Loring: “Our Ordnance maps of the district are selected. To my little girls I have set the geography lesson this morning to find the best route (by way of

Stonehenge) to the coast ; and we are to take, some two or three of us, five or six days in driving down through country parishes and by cross roads.”

The place which is most associated with the happiest moments of his life, as well as with his own actual pursuit of art, is the Thames.

He began his apprenticeship to a river life at a very early age. The Leam flowed almost close to his old home. One who was at school there tells how in his time the boys used to get hold of little Edwin, then almost a baby, and throw him into the river for them to fetch him out, just as a stick is thrown into the water to be brought out by a dog.

Not Izaak Walton loved his favourite river more than Mr. Field loved the Thames. Year by year he resorted to it for the long vacation, and found in it inexhaustible objects of interest and pleasure. If he were drawn away from it for a season, for the sake of sea-air for his family, or from some other special cause, he

returned with fresh zest the next season to the river which he had come to regard as a friend. Formerly, his habit was to take a house for the autumn months, varying the places, so as to become familiar with all the chief points of interest ; but some years since he took a lease of the Mill House, Cleve, near Goring, and made it a country home, to which he could go, not only during the long vacation, but also for a day or two at any time, when he had a little leisure or needed rest. And what a pleasant life that Thames-life was ! There was so much doing, so much that was interesting going on, so much enjoyment, so much freedom, and withal, so much quiet. What with bathing and sketching, rowing, sailing, and driving, reading and social intercourse, and now and then a picnic, the days seemed never long enough for all that was to go into them. And what a welcome was there always for friends ! With what enthusiasm would he take them from point to point, to show them his favourite

spots! And if the friends were artists, all the better. But as for himself, there seemed to be no part of the scenery which he did not enjoy. He used to say that "every place has its tune," and all we need is ears to hear. Still oftener he would say, "We see what we have eyes to see." Not long ago a friend, about to visit the English lakes, said, "Shall I find there the effects of light and colour given in ——'s sketches?" The answer was, "All depends on yourself; they are there, if you have eyes to see them." He was never weary of quoting Coleridge's lines in their widest application:—

"O lady! we receive but what we give,
And in our life alone does Nature live:
Ours is her wedding garment, ours her shroud."

The commonest flat meadow would often have to him a beauty which made him enthusiastic with delight. On a drawing of Wargrave, by himself, he wrote:—

"Ille terrarum mihi præter omnes
Angulus ridet." (HORACE, II., B. V., Ode.)

On a drawing left at his office for a few

hours, of Sonning Church, with the last gleam of sunset striking the top of the tower, he wrote,—

“ A late sunbeam.
A place enshrined
Only for thoughts of peace and Heaven,
And rightly there his parting kiss is given.”—MS.

Nothing, perhaps, better exemplifies his enjoyment of the Thames than a few sentences scribbled by him on an old sketch-book he used to carry about with him :—

“To the attentive eye each moment of the year has its own beauty; and in the same fields it beholds every hour a picture which was never seen before, and which shall never be seen again.”
—EMERSON.

“Mankind are always happier for having' been happy; so that if you make them happy now, you make them happy twenty years hence by the memory of it.”—SYDNEY SMITH.

“ Now thanks to Heaven, that of its grace
Hath brought me to this pleasant place.
Joy have I had; and going hence
I bear away my recompense.”—WORDSWORTH.

“ Cleon, true, possesseth acres,
But the landscape I;
Half the charms to me it yieldeth
Money cannot buy.
Cleon hears no anthems ringing
In the sea or sky;

Nature sings to me for ever,
Earnest listener I.
State for state with all attendants,
Who would change?—Not I !”

CHARLES MACKAY.

In 1862 he wrote to Mr. Loring :—“ Our last long vacation was most lovely and quiet. Though my eyes get hazy, and my spectacles have to be raised to a higher power of glass, yet nature seemed to me more bountiful, and (reading from time to time the accounts of your lamentable slaughtering) more tranquillizing also. Would that you were at peace again, to enjoy all such delights !”

So late as July last, he and two of his daughters were invited to attend the meeting of the British Association at Edinburgh, and then pay a visit to his friend Mr. Edward Enfield, who had taken a house for a few months in one of the most delightful parts of Scotland. This is his answer, dated the 19th of July, only a few days before his death :—“ I have one daughter or more very desirous of seeing Scotland, and Edinburgh no-

tabilities. But we are so encrusted with beauty here, that it would be wicked to leave this place; and I cannot do it. It is questionable to me whether one ought to root and plant one's heart so near London, and in one's idle, enterprize-hating time of life. But so it is; and I find driving my wife, riding with a daughter, sailing my Yankee boat, taking headers in old Father Thames, do not leave time enough for that amount of sketching which I find good for my soul.—Thanks, and many, all the same. Come some day and look at Cleve, and I think you will see why I eschew the limited mail to the North.”

A few reflections jotted down in a railway carriage, in October, 1854, will show the feeling which led him to be content with revisiting so frequently the same place :—“ New scenes should be approached with reluctance rather than with impatience. Of old ones, the beauties overlooked are as a thousand to the one beauty perceived,—as ten thousand to the one captured and doing service to our souls. Every new scene

brings its new spiritual responsibility. The smirking satisfaction with which folks speak of the great scenes they have just been sweeping their eyes over, say of a three weeks' tour to Switzerland, is to me full of irreverence. Such a one not only thinks himself entitled to consideration for having possessed, and perhaps wasted, the opportunity (as if the *veni, vidi,* were of themselves an honour, the *vici* being left undone); but he talks of Nature's grandest solemnities as children talk of a puppet show. He has flung open the gravest pages in Nature's great volume, and turned them over (if not flip-pantly, yet rapidly) as children do the leaves of a picture-book. One looks out of the window of a railway train and sees churches, and cattle, and trees, and fields, and forgets as fast as he sees them. So is it with all *travelling*, only with somewhat less marked whirl and dust." The same contentment with the scenery that lies nearest is expressed in the same year in a letter to Mr. Loring: "Our long vacation is coming

near again, and I am looking forward to one more autumn study of nature and landscape with some artist-friends. Not in your country seat, I regret to say ; I myself am a most stay-at-home person. 'The common things of daily life' suffice for me. I find any swamp has a multitude more beauties than I can drink in, and is far too good for me. I have a sort of superstition that, when close at home, there is more enjoyment to be gathered than I can gather. I have little right to think of going farther." . . .

Of Mr. Field's own sketches, which fill many portfolios, not a few of course are from other places, especially two places of which he was very fond, Lulworth Cove and Corfe Castle ; but a large proportion of them are connected with the Thames, his sketches of which would form probably a more complete picture gallery than could be found elsewhere of that river from Maidenhead to Wallingford. He drew the weirs, the locks, the mills inside and out, the back waters, the quiet nooks, as well

as the churches, the bridges, the abbeys, and the picturesque landscapes which would obviously attract the eye of the artist. For an amateur, he had attained very considerable proficiency in water-colours; and there was one class of subjects in which he particularly excelled. It has often been said by eminent judges, that his feeling for and way of expressing old time-marked ruins were not surpassed by those of any professional artist. So devoted was he to this hobby of sketching, that artists by profession were quite outdone in the eagerness with which for a number of hours he used to work. In the most scorching summer heat, he would often after dinner be in such haste to get back to a pet subject, that he would go off with his bread and cheese in his hand, so as not to lose the light. As, in estimating the works of others, he cared comparatively little for manual dexterity in details, by the side of that higher power, by which the true painter, seeing and feeling more than others, succeeds in conveying

to them the impression which has been made on his own mind, so in his own sketches he always selected subjects on account of something in them which to him gave them a peculiar charm and interest ; and his aim was not simply to copy, as exactly as possible, the forms and hues and gradations which he beheld with the bodily eye, but also to express the feeling which had been called forth in himself. So that each sketch is in fact a record of a separate enjoyment.

Not unfrequently, even during his holiday, urgent business would require his attendance in town for a day. Such a day is vividly in the writer's recollection, after the lapse of nearly a quarter of a century. Up betimes, there was a ramble out of doors, with of course a dip in the Thames. Breakfast over, the pony-chaise was at the door. The writer took the reins, for there were letters to be written on the way. During the drive of a little over two miles, and a few minutes' waiting at the station, five letters were

written. A day's work was done in London ; but time was found to go to a bookstall for a favourite volume by Lowell—"The Old Poets." Home at five, there was time after dinner for a little sketching. Then, when the light faded away out of doors, Wordsworth and Coleridge were brought forth, and some of their grand odes were read, with a relish and with appreciative comments which had about them not the slightest trace of the preceding hard day's work.

Now and then there would come some client with need of private conference on business of a pressing nature. A gentleman, who is now probably one of the most prosperous men in England, will doubtless recollect the day when, almost in despair at the overwhelming losses which threatened him, he received on the banks of the Thames counsel as prompt and decided as it was wise, by which the tide of his affairs, taken at the *ebb*, led on to fortune.

Though, however, Mr. Field's Thames-life

was occasionally broken in upon by calls of business, and though he was lavish in his invitations to friends (for if there should be no vacant chamber in the house, there was the inn), still he had a great deal of absolute quiet and rest, spending generally a large part of each day under his tent, and under his broad-brimmed hat, itself almost a tent, working at his easel without any interruption, breathing the fresh air, and in the full enjoyment of silent communion with nature. And so at home was he in the water that a tumble into it with his clothes on was an accident to his watch rather than to himself. One day, as he came into the office, he took out his watch, and after putting it to his ear, said, "Can any one tell me what time it is? I have had an accident with my watch; I tumbled into the river and stopped it." No one dreamt of personal danger to so strong and experienced a swimmer from falling into the water.

From his having spent so much time at the

Thames he was well known by rich and poor in the parts frequented by him. And for the latter, no less than the former, he had always a kindly greeting. There were poor cottagers, whom he so much respected, that he habitually shook hands with them and treated them as his equals. How little he cared for the conventionalities of life was shown everywhere ; but one instance associated with the Thames, and his fellow-feeling for a poor man, may be cited here. A friend who had followed him in mounting Art as his hobby, and who sometimes accompanied him on sketching expeditions, says : " We had been up the Thames, and were returning to town by way of Reading, our headquarters having been Caversham, which is not far from the Reading Station. We had hired a man to wheel our luggage to the train, and being a little late, were hurrying along when we found we were leaving the old man and the luggage behind. Mr. Field was at first disposed to be angry with the man, and called

upon him to bestir himself ; but finding that he was very old, and that the pace was too fast for him, he himself took hold of the handles of the wheelbarrow and trundled it along. When he was tired he made me take a turn, and in this way we, in due time, got to Reading Station, the old man following and keeping up as well as he could. I very well remember the surprise and amusement of sundry people whom we met, who seemed much puzzled to account for our hiring a man and then wheeling our luggage ourselves."

CHAPTER VII.

LITERATURE.—POLITICS.—RELIGION.

AT all times Mr. Field was a rapid and multifarious reader. He had the power of judging at a glance whether "he should get on with a book," and whether it was of the kind to be hastened through or to be carefully studied. Everything of interest that appeared he read, including light works and novels. In early days he went carefully through the writings of James and John Mill and other elaborate works, tabulating and discussing the theories propounded in them. Nor did he ever give up this thoroughness of reading, where he thought it required. He had taken down with him to Cleve, this summer, "Fergusson on Beauty in Fine Art," and was making an abstract with

notes of his own. A manuscript volume, dated 1871, contains, not only this abstract, but also other notices so admirable and so characteristic, that it is much to be regretted the volume had no more of its pages filled. Two extracts must be given:—"Grote's Collected Papers, p. 189. On Art, Ancient and Modern." The words in brackets are Mr. Field's. "That the function of Art is [for the imagination of the artist or maker] to act on the imagination [of the spectator] through the senses, is a proposition familiar to all of us. [Reverence and striving after the unattained must be perceptible in all true Art.]" The next extract is of especial interest, as embodying in a few words Mr. Field's deepest and most earnest thought and feeling. He had been reading a volume of very able Literary Essays, on which he says: "Never more did I feel the wisdom of the doubt of Southey's 'Doctor'—'I don't see why we should parse our pleasures.' This book all through is the Vulcan workshop of the critic. He is at

it hammer and tongs. O'Neil, in his 'Lectures on Painting,' puts all the sorrows of artists on the critics. If so, the artists are fools to be disturbed by those who (like ——) try to put the passions of the soul into an alembic. But the real persons injured by all this are the art and poetry-disposed persons misled by these critics to look into art and poetry as subjects for the intellect. By what talk about music can you give a joy in it, or ear for it, to one who has no ear? So far as religion rests on affections and emotions (and does it not rest on them entirely?) we should not parse our religion either. But where, then, will be our dogmatics? Certainly Southey's rule for judging of the quality of art, in the passage above referred to, may well be applied to religious services as a test for yourself of their quality. See if you come away from them in a purer, kindlier, tenderer state of mind."

The books he could always turn to as friends, and loved to read aloud, were the poetry of

Wordsworth and Coleridge, Milton's Sonnets, the prose-poetry of Emerson and Lowell, Sir Thomas Browne's "Religio Medici," and George Herbert's Poems. He was especially fond, also, of Izaak Walton's "Lives."

"The feather, whence the pen
Was shaped that traced the lives of these good men,
Dropped from an angel's wing."

On political subjects, Mr. Field showed his wonted mental grasp and moral earnestness ; but he was not what might be called a *busy* politician, though he was so much interested in free-trade as to lecture on it. Two extracts from letters to Mr. Loring are all that will be given in regard to politics. Referring, in 1862, to an American Protectionist, Mr. Field says :—"Push out his views to their legitimate consequences, and every household should dine on home-made crockery, and eat home-grown meat—however coarse, dirty, or porous the plate, or dear the viand. This would be sacrificing a part of one's meals to the

Lares of Protection, indeed. I can understand and respect its being done upon religious grounds. When I came to London, a boy, to learn my trade, forty odd years ago, some of my friends knew old Taylor, the Platonist. The story they used to tell—I dare say vamped-up a trifle—was that he sacrificed a piece of every rump-steak or chop to Jupiter. A bit of good food lost to somebody, if only to his dog. But I can respect that kind of wastefulness. Your American economist's notion, that for profit and development sake, every nation is to look to itself alone—wrap itself up in itself, like Horace's miser—that its trade, if not its charity, is to begin and end at home—must now-a-days, and with modern experience, have a (known or unknown) origin in political parties and party objects, and not in philosophy."

The second extract refers to the non-interfering policy of England (1863):—"You all talk, and I suppose some of you fancy that it is trade prospects that mainly influence our

policy here. It is strange to me that thinking men should not see how much more than purse considerations, passion and prejudice and influences which are rather of the heart than of the head move nations even more than individuals." "The determination, so violent here (if you judge only from the national expression), that we will meddle in continental wars at no price, is really louder in its sound than profound in its nature. It expresses a truce between the old *divine-right* party who led Britain on the anti-Napoleon crusade, and the Liberal party, then small, now really paramount—who, deeply sensible of the wrongfulness of our old interferences,* have thought to escape future wrong-doing of that sort by agreeing to unite with the divine-right men in the cry of 'Non-interference at any price.' I am a looker-on from my study-table at all political movements now. Every man, too old

* "There is a thorough, almost bitter, persuasion throughout our nation (not talked of, but always felt), that we interfered to an extent, and in a way, quite against justice."

for conscription, should be ready to admit to himself that it probably is time for him to give place in these things to those who are young. But so looking on from the quiet fireside, at least I look on more coolly. And I expect there will burst out here a rage, such as every man feels if he sees a woman beaten —‘I can stand it no longer.’” One extract of a social, rather than political nature, will be given here from a letter to Mr. Loring: “There are always a lot of accepted improprieties and iniquities about in society, lowering its tone and the character of a people—cheating in business, lies of all admitted kinds, &c.”

Reference has already been made to Mr. Field's views of religion. In his opinions he was Unitarian, adhering firmly to the old English Presbyterian principle of the non-implication of creeds. He valued highly the privilege of public worship, the object of which he regarded as to lift us for “one hour in the

week above the world, that we may look down upon it as something apart and below us, and to which we are linked only by what is transitory and perishable in us, and so realize the true purpose and spiritual meaning of our earthly life." He took also a leading part in the affairs of the church of which he was a member. And occasionally he made time to have a class at the chapel before service on Sunday mornings, on "the History of Religion in England." At the end of the programme of his lectures, there is a note in which he says: "Mr. Field begs his class to be so good as to attend punctually, and to take their seats as near the organ" (in front of which the lecturer sat) "as they can, and to bring note-books." At the conclusion of the course he gave out examination papers, to which he requested written answers. But though he thus closely connected himself with a church in which the general views and the worship were such as he preferred, his religious sympathies were of the most comprehensive kind. His friend Sir

John Rolt said, "Mr. Field's toleration is indescribable." And doubtless it would seem inexplicable from the point of view from which most Christians have been in the habit of looking at the subject. But it is, nevertheless, perfectly intelligible. He felt that there was "something deeper than creeds." He used to say,—“What I care for most of all is *religiousness*.” For any man to declare that he is in possession of the absolutely true religion intellectually, would be presumption; but all genuine religious feeling is true religion. Therefore, though he was a sincere Unitarian, he was, like Dr. Channing, “little of a Unitarian” in the sense of laying immeasurably more stress on the religiousness of the heart and life than on any intellectual conclusions whatsoever. If he found a deeply religious spirit in George Herbert, or Izaak Walton, or Sir Thomas Browne, he read the book and loved the man. He quoted with warm approbation a few lines from Mrs. Delany's Letters: “I am so pleased with a thing in

Sir Walter Raleigh (which he quotes, I think, from Casaubon), that I can't help transcribing it:—'Happiness consisteth in a *divine life*, not in the knowledge of divine things, wherein the devils exceed us.'

The following illustration, which the writer has the less hesitation in mentioning, because he has totally forgotten the names of the persons concerned; and, indeed, everything but the substantial facts, will serve better than any length of dissertation. A father came to Mr. Field to talk with him about the marriage of his daughter. An attachment had sprung up between a young man and herself; and there was no objection to him, unless it were on the score of his religious views. What these views were has been forgotten by the writer, and is not to the purpose; but he is quite clear on one point—that they were not of a kind to call forth Mr. Field's sympathy on their own account. To the young man, however, they were very dear. The writer can never forget the deep earnest-

ness of Mr. Field's manner, as in narrating the circumstance he repeated what he had said :—
“*I think that nothing should be a source of greater happiness to a father in the prospect of his daughter's marriage, than to know that her future husband thinks and feels earnestly about religion.*”

From his profound sympathy with religiousness, it resulted that, with Jean Paul Richter, he preferred any superstition to no religion at all ; and he was fond of quoting Wordsworth's lines :—

“ Great God ! I'd rather be
A Pagan, suckled in a creed outworn ;
So might I, standing on this pleasant lea,
Have glimpses that would make me less forlorn ;
Have sight of Proteus rising from the sea,
Or hear old Triton blow his wreathèd horn.”

Far from regarding differences in theology as an evil, he thought them a good : for they are signs of the earnest activity of the individual mind in a wide search after truth ; and they are various doors by which men may enter into the Temple of the Most High with the worship of

the heart—so that those who cannot go in at one may find some other open to them. It was a favourite maxim with him that, apart from what is gained in belief by the pursuit of truth, the pursuit itself is of inestimable value in calling into healthful exercise the noblest powers of the soul. It may be questioned whether he would have assented entirely to the *letter*, but certainly he would have heartily entered into the spirit, of Lessing's saying,—“that what profits men is not the *finding*, but the *seeking* of truth; and that he himself would willingly make over his claim to all truths in return for the sweet labour of investigation.” Mr. Field's own faith never appeared to be overshadowed by doubt or troubled by difficulties; but, holding the views he held in regard to differences, he had no disposition to make honest doubt a bar to friendship. If there were any whom his catholicity did not include, it was the intolerant, of whatsoever belief they might be; and if “the scorn of

scorn" and the "hate of hate" be allowable, perhaps, on like grounds, intolerance of intolerance might be justified. Yet, so far as the writer observed, the bigotry and narrowness Mr. Field sometimes met with did not seem in any special way to disturb his patience. He regarded them as something that had to be put up with till the general mind should have been enlightened and enlarged by education and progress.

In his professional capacity he was frequently employed in preparing trust-deeds for chapels, institutions, and endowments in connection with his own religious body. And on such occasions he lost no opportunity of strenuously advocating *open* trusts. True to the Presbyterian traditions in which he was brought up, he was strongly of opinion that no congregation should attempt to bind after generations to any doctrines or forms under penalty of renouncing ancestral property. It is natural and commendable that those who have no relatives for whom it is their

duty to make provision, or whose wealth is superabundant, should desire to become public benefactors after their death ; but in every such instance, in which his advice was sought or could be offered, he laid stress on the wisdom and justice of giving to the administrators for the time being a large margin of discretion in the disposal of the property left in their charge.

CHAPTER VIII.

GENERAL RETROSPECT.—PERSONAL CHARACTERISTICS. — FRIENDSHIPS. — SQUIRE'S MOUNT.

LOOKING back on the life that has closed for this world, it seems almost incredible that so much can have been done in it, and so much enjoyed. Nor could there have been, excepting by a man of very remarkable abilities and character. His interest in the things going on about him seemed to have no limits, save that it did not extend to frivolity, which was at the farthest remove from his nature. He liked to have a hand in planning a house or laying out a garden ; and the writer recollects having from him the following excellent advice about house-building : “ Determine the number of rooms you want, and the size of each ; then

go to your architect, and say, 'Here is my man; make a suit of clothes to fit him.'" If this plan were followed, houses would not be the formal monotonous things they for the most part are, but each would have a character of its own, through its adaptation to the wants of those who are to live in it.

The following extract from a letter, in 1840, to his friend, Mr. James Robinson, presents the subject from a higher point of view: "So far from thinking you a fool" (for building a house), "I should myself like, of all things, to build, if I could afford it. The four walls by which home is encompassed are among the most important influences to which the mind can be subjected. The degrees of good or bad taste apparent there are, I seriously believe, the best *meters* of the possessor's happiness at the moment; and the changes in them, of the progress in his happiness. There are few circumstances on which a wise man should more seriously deliberate than on those greatly

undervalued ones, touching the mere forms and colours by which he is to be surrounded in the unarmed and quiet periods of his life. So strongly do I feel this, that, in my interest for a dear friend's happiness, I should expatiate on this matter as really next in importance to the character of the inmates with whom he is to be linked. These silent influences do more than any other influences, except those of our household, to soothe and humanize us, and to lessen the space between us and the angels."

The impression left on most of those who knew Mr. Field was, that they had never met with any other instance of such boundless energy and fulness of life. In nothing in which he took part could his presence be otherwise than felt as a power. The *rapid* working of his mind, and the quickness with which he arrived at decided conclusions on questions presented to him, might appear at first sight to indicate precipitancy; but those who had experience of his judgment, did not find themselves betrayed

by the confidence they reposed in him ; and they found it a great relief, in their perplexities, to put themselves under the direction of one whose counsel was prompt and unhesitating, as well as reliable. It is not necessary to "parse" the feelings which his name and memory call up. But three things evidently combined to make him what he was. One was rare mental and bodily vigour. The second an enthusiastic nature, which caused him to throw his whole soul into his manifold pursuits, and gave him that intensity of purpose by which he was animated in all that he did. The third was *largeness* of view and aim, of spirit and sympathy. This largeness showed itself in all subjects—business, art, literature. This it was which gave the character to his religion, and the suggestive originality to his thoughts. When a scheme for some public object was placed before him, it would grow and seem capable of being carried into fuller dimensions, and deserving of far more labour and far greater

sacrifices than were at first dreamt of. He was not satisfied that anything worth doing at all should not be done as *well* as possible ; and the difficulties which presented themselves to cautious and timid minds were to him little more than so many cobwebs, which might be brushed away, if only the importance of the thing in hand were properly felt, and those who ought to be interested in it would really set to work. In nothing was the largeness of his sympathies more strikingly shown than in his willingness to give his services for a *future* good, which he himself could not hope to see. Like the beginners of those grand old Roman Catholic cathedrals on the continent, who laid foundations on which choir and chancel would be built in one century, and nave and transept in another, and spire in a third, he was never so satisfied with his labours as when they were for an object begun on a large scale, with a view to additions to be made by after generations. As to the time when the full benefits would be

enjoyed—that was a matter of less concern than that they should not be narrowed and stinted by selfish haste.

That there were occasions when the very force of his character had the effect of an infirmity, would hardly be denied by those who held him most in honour. His strong way of putting things was sometimes rather overpowering, and rendered it a formidable task for those who sincerely differed from him to stand their ground. And none regretted so much as he did if the *fortiter in re* led him to say or do anything which gave pain to others. But he could not help it, any more than the mountain torrent can flow like a common stream.

And those who knew him well, and who knew that he put things no less strongly to himself, could scarcely find it in their hearts to admit, as a fault at all, any aspect of a vigour which was always actuated by high and generous motives, and by which a quite exceptional amount of good had been accomplished. They knew that

with the strength which characterized all he did, there was in him a depth of tenderness which made him often need to

" Let the tale grow cold
Which might not be pathetically told."

One way in which his personal power showed itself was the extent to which he was enabled to enlist the sympathy and co-operation of others. In his various undertakings he was never a solitary worker. No sooner had a practical idea presented itself than he looked out for the best advisers respecting it, and for those whose experience enabled them to afford valuable assistance in carrying it out, and for some help from every one who could be brought to take interest in it. And doubtless his success in inducing others to take up and work out his projects contributed greatly towards the effect of his own exertions. In the letter to his "century of clerks and pupils," he lays it down as the master's rule : " See everything that is done, and how it is done ; but do nothing yourself that another man can do for you." And, accord-

ingly, it was his custom to get his clerks to do things which were generally considered master's work. One who was closely connected with him expresses the experience of many when he says : " I know that I often found myself taking up and carrying out some object, or joining him in some holiday, which I should have thought altogether impracticable, had it not been for the stimulus of his influence, and the fertility of his mind in removing obstacles."

Another, who was in various ways brought into close relationship with him, says :—" As an old clerk, I have a vivid recollection of the effect of his energy and power. I remember, on one occasion, when I was in Court as his representative, the Judge (V.C. Wigram) and counsel had just arranged the terms of an order, when Mr. Field burst into Court, and I heard the Judge, in agonized soliloquy, exclaim—' Oh! here comes Mr. Field to upset everything.' Mr. Field approached me, glanced at the terms of the order, and disappeared.

On my looking about for him, I was surprised to see him standing by the side of the Judge, speaking earnestly to him. The solicitor opposed to me exclaimed indignantly, 'Why, there is Field earwiggling the Judge.' On leaving the Court, I inquired of Mr. Field what he had been saying to the Judge. 'Oh!' he replied, 'I was only giving him an order for a private view of some good pictures.' I have seen Mr. Field before the Lords Justices Knight Bruce and Turner, 'who were not usually tolerant of interruption, or too ready to recognize a solicitor,' spring up and give verbal explanation as to points of fact which he thought had failed to receive appreciation. At Chambers, the effects of his impetus were universally acknowledged."

The present sketch requires that something should be said of the personal attachment which Mr. Field himself felt, and inspired in others. He was intimately acquainted with some of the principal literary men and jurists

of the United States, Bryant and Emerson, Professors Storey and Greenleaf, his namesakes Cyrus Field (to whom the Atlantic Telegraph is chiefly due) and Dudley Field (to whom is due the Codification of the Laws of New York), and Charles G. Loring, a leading advocate. With the last-named he carried on an amicable controversy, which was published, on the subject of the War between the North and the South.* His English friends were an

* The late Mr. Loring was not only a distinguished lawyer and advocate, but also a leader in Eastern Massachusetts in all philanthropic and benevolent enterprises. The high respect in which both his talents and his character were held, is shown by the fact that when Harvard College welcomed back her numerous sons who had fought in the war, he, of all her eminent graduates, was the one selected to preside on the occasion. In the correspondence referred to, Mr. Field's letters are fewer and shorter than those of Mr. Loring. Mr. Field did not pretend to have made the question in dispute a matter of especial research, as Mr. Loring had done; but expressed, with his usual force and largeness, a view which, doubtless, the position afterwards taken by the North in regard to slavery, and the abolition of slavery throughout the Union, would have altered, viz., that the North would be well rid of all connection with a country specially identified with the curse of slavery. In regard to the Alabama question, he says: "Steamships have made new laws requisite. The onus of proof must be thrown on builders of vessels, that they are building for legitimate objects."

innumerable host, including in particular more artists, perhaps, than for many a year have been gathered together in a single heart. Two friends only will be mentioned here; his contemporary, the late Sir John Rolt, at whose call Mr. Field held himself always ready to attend with the sincere offices of a deep friendship, during the long illness which terminated in Sir John's death;* and his senior, H. Crabb

The extracts from Mr. Field's letters to Mr. Loring are from unpublished letters, copies of which have been procured through the kindness of Mr. C. W. Loring.

* In an unpublished Autobiography of Sir John Rolt, from which the writer is permitted to make an extract, Sir John, referring to his first acquaintance with Mr. Field, says: "He managed at that time the Chancery department of the very large agency business of the firm of Sharpe, Field, & Co. After I became something like their standing junior Chancery counsel, I was necessarily in constant communication with him; and during the period I am writing of, an intimacy grew up between us, which has gradually grown into a close friendship, much valued, I believe and hope, by both of us, certainly by me. He is a man of rare qualities. To that which Emerson describes as the prudence that bakes bread (though I rather think he disclaims this faculty), he adds an appreciation of, and taste for, everything worth knowing and appreciating under the sun. In everything he undertakes, or even thinks of and talks about seriously, he is inspired with an energy and enthusiasm I have never seen equalled,—indeed, so great, that these qualities at times grew into a weakness."

Robinson, towards whom he added to warm personal regard the tenderness and consideration due to old age. In the latter part of life, Mr. Robinson did nothing of importance without consulting Mr. Field, in whose ability and attachment, as well as in those of his other adviser in chief, he placed the most absolute trust. A few lines from two letters will show that, with something of a filial care, the younger man thought of the comforts of the elder: "I have set my heart on your having ladies about you, and those who would make your life as happy as it ought to be,—and a proper *ménage*." "I shall not be offended at your doing anything, unless it be signing a deed till you yourself are sure that it is what you mean. At the same time, as soon as you have made up your mind, get it done out of hand. There is too little time for us to do our earth works in, for us needlessly to spend time about them. Still, 'festina lente.'" As Mr. Robinson's executor, Mr. Field

spared no pains, either in carrying out the wishes or paying honour to the memory of his friend.

It does not fall within the province of the writer to give more than the barest facts of Mr. Field's home. He was twice married; in 1830 to Miss Sharpe, who died early, leaving one son, named Rogers, after her uncle, Mr. Samuel Rogers; and in 1833 to Miss Kinder, daughter of Mr. Robert Kinder. She, with seven children, in addition to his eldest son, survives him. For an unusual number of years this large family circle remained unbroken, till the sad event of last July. It would be wrong not to add, as a general characteristic, his love of children. Latterly, one of his pleasures was to have his grandchildren frequently about him. He had also a love of animals, with the natural result of their being fond of him.

Of the social life at Squire's Mount, Hampstead, a lively picture was given many years ago by an American visitor, Mr. Brace, who wrote :

“Here I am, at the country-house of a lawyer near London. He is a distinguished member of the profession—an untiring worker during the business hours, and has already accomplished as much in professional honour and in legal reforms as any living lawyer of his department in England. He works like a Yankee—quick, intensely, with whole mind and feelings for the moment fixed on the point; jumping with incredible rapidity and intensity from one knotty point to another. But the moment the fast little pony has carried him out here, he is another man. Old law-precedents, authorities, principles, problems, questions for Parliament or Chancery, are clean forgotten and put aside. His friends—not of his profession, too, men of literature and art—are gathered here after dinner. The word is a game at bowls!—good old English bowls. The green is cleared, so that the little wooden ball may roll easily over the soft, shorn grass. The gentlemen, hats off, gather in the mild summer evening at one end,

and the game begins. No *dilettante* playing—nice, careful, eager bowling ; shouts and laughter and jokes. My friend of the law—the adviser of corporations and parliaments, perhaps, in the morning—now a complete boy again, running, shouting, calling to this and that one again—generally by the first name, or bringing out a cup of coffee for some new-comer. Then, as the long twilight comes on, we gather together and sit in the verandah or in the garden, talking with such a genuine relish and heartiness as are rarely seen.”

A scene of a later date at the same place may be added. There is a large gathering of friends, old and young, representing all shades of opinion in politics and theology. On the lawn the young people are busy at croquet. Between some tall elm trees there is a delightful view of the Heath, with Caen Wood and Highgate beyond. The garden is not like other gardens ; it has its flower-beds and conservatory, &c. ; but its surface, in parts, has more

irregularity than usual, and there is a good deal of rock-work, with shady nooks for plants that like to grow there, and plenty of things about for the climbing plants to take hold of; and there are hedges in which the shrubs have more freedom of growth than is generally allowed them. But to return to the company assembled—here and there are groups of threes and fours chatting together. In one of these the host is telling an excellent story. An artist-friend had been to the West of Ireland, and had no sooner settled down in his lodgings there, than his goods were seized for taxes. He inquired for the best lawyer in the place, and having found him out, laid the case before him. The lawyer said, “Before we proceed any further, just be so good as to hand me my fee of five shillings. You would have to pay six-and-eightpence in England; but I want only five shillings.” The artist handed him the money, and said, “Now, what am I to do?” “Why, *pay*, to be sure; and if you want to get the taxes

back, you will have to do this and that"—the cost and trouble of which would have been a far heavier tax still. In a little while the host is in another group, and, perhaps, a Roman Catholic friend has thrown out the idea that a grand church, with a rich religious service and grand music, is a greater boon to the poor than schools and charitable institutions. By-and-by, a fitting time and corner are found for getting together a few whose opinion is of most value on some practical matter in hand—such as how the Slade Theatres should be arranged so as to have the best light. The evening is closing in, and most of those present have gone indoors. Everywhere the walls are covered with pictures ; but there is a place for antique vases and busts, and Flaxman's sculptures. Downstairs there are stands with portfolios—one or both of those which have been mentioned, and one or two containing sketches lent by some artist-friend who has just come back from Egypt or the Holy Land. Upstairs music is going on, which

makes it seem a pity the ears cannot go there, and leave the eyes below. How little did the writer think that such a party in the early summer of this year was to be the last !

Sunday afternoon was a principal gathering time of friends at Squire's Mount. Sir John Rolt has described these afternoons, which, he says, "are not to be forgotten. I rather think his friends—a large circle, which included all the artist world—had a standing invitation, by no means unappreciated or neglected, and Field's garden and rooms usually exhibited a large and very mixed Sunday assemblage of persons, in the main well worth knowing, and all contributing to a most cheerful afternoon and evening. Neither he nor Mrs. Field had strict Sabbatical notions ; on the contrary, their notions were—the worship of God in the morning, and other reasonable enjoyment for the rest of the day. Mine, from the time I began to think for myself, had been the same. Would that my practice had conformed with it ! Every-

body, therefore, at Field's Sunday afternoon and evening assemblages was free to enjoy himself in his own way ; and such games and amusements as the ground would permit, were freely resorted to. Indoors, his collection of drawings and engravings (varied with good and sound music) yielded abundant attractions."

CHAPTER IX.

THE END.

IT now only remains to speak of the close of the life thus briefly and imperfectly described. Few men seemed more likely to reach old age than Mr. Field. That at sixty-seven he had not the elasticity of forty was a matter of course ; but there was no apparent giving way of his strong constitution. Getting over a stile which he used to vault over, he said, " There are days for vaulting over, and days for getting over ;" but only in such things was there any perceptible change. Latterly, however, a succession of losses by death had led him to talk more than usually about the time when he too would be summoned hence ; and he repeatedly expressed the hope that he might be taken amidst the

activity and enjoyments of life rather than pass through the slow decay of sickness and old age, which to one with his habits and temperament could not but have been a most severe trial. Of death itself his views were of the most cheerful kind. Long ago he listened with great delight to that part of Lowell's "Old Poets," in which death is represented as giving us possession of a glorious inheritance, which we should enter upon with high hopes and expectations, though not without a natural tear for the humbler home we are leaving, and as "always meaning a kindness, though with often a gruff way of showing it."*

In 1861 he wrote to Crabb Robinson: "As to your brother's death, I need say nothing.

* One who worked with him in regard to the Law Courts says: "We had been speaking, soon after the beginning of our work, of the time it would take to get the buildings up. I mentioned ten or fifteen years at the very least. He replied, 'Then I shall never see them.' I earnestly protested against that. His only answer was a quiet smile and an indescribable expression of the eye, which struck me very much, but which I never quite understood till at his funeral I heard what his thoughts and feelings had been respecting death."

Call no man happy till he's dead, and the doing our work while it is yet day, are your and my philosophy, rightly interpreted." He was so much pleased with the sentiments expressed on death in a work published many years since, entitled "Martyria," that he urged the author* to write a fuller work on the subject, and call it "Euthanasy." It was written, and had indeed already been begun, and was always a favourite with him who had suggested it. He was reading it to his wife the last morning he was alive, while he was waiting for the train which was to bring two of his clerks ; and he read aloud and marked the following passage :—
" Of life in every way, we must say that we cannot tell how it is. And yet there are persons that shrink from the future life, and some that do not believe it, because they do not see in what way

* The Rev. William Mountford, by birth an Englishman, but at present, and for a long time past, resident in Boston, U.S. His works, "Martyria," "Thorpe," "Euthanasy," "Miracles Past and Present," are less known than they ought to be in this country, but are warmly appreciated in the land of his adoption.

it will be ; while what the way is of the very life they are in they cannot tell.”*

Of the accident, which soon followed, the particulars known are too imperfect to afford a clear explanation of the fatal issue. That, on July 30th, 1871, after luncheon, Mr. Field and the two clerks, one of them, Ellwood, the first he ever had, went out for a sail in the *Yankee*—that, about a mile from home, the boat was upset by a gust of wind—that the three at first clung to the boat, and one of them lost his hold and sank—that they were afterwards together, the one who had lost his hold, and who could not swim, supported by Mr. Field and Mr. Ellwood, both of whom could swim—that they were making for the shore—that, on the way, Mr. Ellwood sank, and, almost immediately afterwards, Mr. Field also—that the clerk who could

* The same idea was expressed at a later time in a poem by Arthur Hugh Clough :—

“ What we, when face to face we see
The Father of our souls, shall be,
John tells us doth not yet appear.
Ah ! did he tell what we are here ? ”

not swim was picked up by a boat when he was at the point of sinking—that, in the chain of consciousness of the survivor, there had been too many missing links for him to be able to give a connected and complete account of what happened ;—is all there is to tell.

When the tidings were spread that Mr. Field and a friend had been drowned in the Thames, which he so much loved, and in which he seemed so much at home, and the fact, which at first seemed almost incredible, was ascertained to be beyond doubt, it was hardly possible not to “tax the elements with unkindness.” But the recollection of his own views of death, and of his personal wishes in regard to it, and of the way in which his last strength was spent, brought with it the feeling that he himself would acquiesce in such a close of his earthly days, and would not recall one word he had uttered in praise of the old river of his heart, or unsay one word of gratitude for the enjoyment it had afforded him. We have lost a man

of rare ability and a dear friend, whom we could ill spare ; but in his euthanasy the lines on the old sketching-book have attained their full meaning :

“ Now thanks to Heaven, that of its grace
Hath brought me to this pleasant place.
Joy have I had ; and going hence
I bear away my recompense.”

On the 4th of August, 1871, at the Highgate Cemetery, in the presence of a large number of those who most loved and honoured him, his mortal remains were laid in a vault next to that in which rest those of his friend Henry Crabb Robinson.

LIST OF MR. FIELD'S WRITINGS.*

- 1.—“Memoir of Edgar Taylor,” published in the *Legal Observer* of September 28th, 1839, and reprinted, apparently for private circulation.
- 2.—Article, continued in several numbers of the *Legal Observer* from January, 1840, and afterwards separately published, “On the Law as to Marriages Abroad between English Subjects within the Prohibited Degrees.”
- 3.—February 28th, 1840. Pamphlet—“Observations of a Solicitor on Defects in the Offices, Practice, and System of Costs of the Equity Courts.”

* This list is by no means complete, in regard to articles in magazines and newspapers.

- 4.—Several articles on “Chancery Reform” in the *Legal Observer*.
- 5.—Article continued in several numbers of the *Legal Observer* from January, 1841, and afterwards printed for private circulation—“The Office of Master. Should it be performed by a Judge subordinate in Position? With Remarks as to the Right Method of investigating Subjects relating to Procedure. Being a Review of a Pamphlet entitled ‘Facts and Suggestions respecting the Master’s Office.’”
- 6.—Article in the *Westminster Review* for January, 1842, and afterwards separately printed, on “Chancery Reform.”
- 7.—“Vindication of New Fees in Chancery.” Letter to Editor of *Legal Observer*, November, 1842.
- 8.—Article in *Westminster Review* for February, 1843, and afterwards separately printed—“Recent and Future Law Reforms. Judicial Procedure a Single and Inductive Science.”

- 9.—Article in *Law Review* for August, 1848, "Comparative Anatomy of Judicial Procedure." (This article was reprinted *in extenso* in the *New York Evening Post* for December 22nd, 1848.)
- 10.—Pamphlet—"Observations of a Solicitor on the Right of the Public to form Limited Liability Partnerships, and on the Theory, Practice, and Cost of Commercial Charters," 1854.
- 11.—Article in *Legal Observer*, January, 1855, "Limited Liability Partnerships. What should be the Frame of the Law to Establish them?"
- 12.—A paper read at the annual meeting of the Metropolitan and Provincial Law Association, in St. George's Hall, Liverpool, October 14th, 1856, and printed by their desire—"On the Roots and Evils of the Law. Economical Considerations on the Autocracy of the Bar, and on the System of

- Prescribed Tariffs for Legal Wages, and on the Connection of these two Subjects.”
- 13.—Paper read at the annual meeting of the Metropolitan and Provincial Law Association, in the Town Hall, Manchester, October 9th, 1857, and printed by their desire—
“Law Reform. What should a Minister of Justice do? Efficiency in the Methods of Procedure, and in the Daily Workings of the Judiciary, the Great Need in Legal Reform.”
- 14.—Paper read at the annual meeting of the Metropolitan and Provincial Law Association, held in London, October 26th, 1859—
“Legal Education, Preliminary and Professional, and on the Comparative Anatomy of Legal, Medical, and other Professional Education.”
- 15.—“Taxation of Solicitors,” a series of articles in the *Solicitors' Journal*. About 1860 or 1862.

- 16.—Obituary Notice of Mr. Rigge in the *Solicitors' Journal*, February, 1864.
- 17.—“Correspondence with Loring on the Present Relations between Great Britain and the United States of America.” (Published in America.)
- 18.—“Observations on the High Court of Justice Bill,” drawn up at the request of the Jurisprudence Committee of the Social Science Association, 1870.
- 19.—A Letter on “The Property of Married Women,” published in the *Times*.

1

APPENDIX.

SOME time after the foregoing Memorial Sketch had passed into the hands of the printers, a number of friends and admirers of Mr. Field, who desired to mark, by some suitable and permanent memorial, the general feeling of admiration for his character and respect for his memory, formed themselves into a committee to effect their object. The committee includes the Lord Chancellor, the Master of the Rolls, all the Vice-Chancellors, some of the Common Law Judges, and many distinguished members of both branches of the legal profession, Royal Academicians, and other eminent artists, and several gentlemen not connected professionally with Law or Art.

A meeting was held in the Hall of the Incorporated Law Society on the 22nd of January, 1872, at which Sir Roundell Palmer

presided, and the address which he delivered on that occasion was felt by the friends of Mr. Field then present, to be so appropriate and just, and so entirely in harmony with their own appreciation of his character and worth, that it has been thought desirable to afford to those friends who were not present an opportunity of reading it, by adding it to the Memorial Sketch.

Sir Roundell Palmer said :—“The duty I have to discharge, is that of moving the resolution which it has been agreed to propose : ‘That it is desirable to mark, by some suitable and permanent memorial of the late Mr. Edwin Wilkins Field, the general feeling which exists of admiration for his character and respect for his memory.’ I dare say there are those in the room who knew the late Mr. Field longer than I have done, although my knowledge dates back from thirty-four or thirty-five years ago, when I was a pupil of Mr. Booth, and used very frequently to see him in Mr. Booth’s Chambers. I was struck from the very first with those qualities in his cha-

racter which all present I am sure have felt, like myself, to distinguish him both as an excellent and amiable and as a most useful and remarkable man. I do not think that within my time there has really ever been any bereavement to the profession more strongly and generally felt than the loss which we sustained last year. No doubt, from time to time, we do sustain heavy losses ; but Mr. Field was a man in such vigour of mind and body, and, as it seemed, with all his faculties so active in everything in which activity could be useful, that to hear of his being suddenly taken from us by such a dispensation of Providence, was more startling and more painful than were the circumstances attending the loss of almost any other of those whose names I can call to mind, for which in most cases we were better prepared. If the end of the duty which has brought us here were simply to indulge our feelings of personal respect and attachment, I should feel that there was a great deal to be said which it would

be very difficult to say sufficiently well. Mr. Field was a man of an ardent, generous, enthusiastic character ; very accomplished, as you all know, but most honourable, as well as amiable, in his private life, as far as I had any means of judging. In his professional life I knew him still better : and the more I knew of him, the greater was the impression which those qualities made upon me. But it is not only—nor is it chiefly—on account of his private virtues, his most amiable character, and unspotted honour, that we wish to mark our sense of his loss. He was an eminent example to that branch of the profession to which he belonged, and with which all other branches of the profession are essentially and closely associated. His practice was energetic, active, diligent, and conscientious ; but never, from the first day that I knew him to the last, do I remember a single instance in which he did not conduct himself as a man who was sensible of his responsibility for all that he did, and who

was determined to maintain the character and the honour of the profession, and to behave in every way as a gentleman. Of course these are qualities which, in a degree, many men possess ; but there was in him a peculiar combination. I hardly ever remember a man so zealous and enthusiastic in everything which he undertook, and at the same time so safe never to overstep the limits and bounds of honour and virtue. He has conferred, upon all occasions that he could, public benefits, by public services, upon the profession, and, through the profession, upon the public ; both by the encouragement and the support he gave to deserving men, whose merit he was among the first to observe : such, for instance, as our lost friend Sir John Rolt, who, we all know, lived to be one of the greatest ornaments of the branch of the profession to which I belong, and also to the Bench. It was, I think, Mr. Field's firm, and certainly not least, Mr. Field himself, who discerned the character, abilities,

and capacity of Sir John Rolt when he was in a humble position in life—helped him, in his earliest steps, towards the position which he attained at the Bar ; gave him steady support throughout, and never, I think, appeared more conscious of what in that respect he had done, and of the benefit he had conferred upon the profession and society, than if it had been done by any other man. He manifested to the end the most intimate personal friendship and regard for the man for whom he had done so much in order to put him in his proper position.

“I referred to the activity with which Mr. Field supported all useful public undertakings, but I will not attempt to go through the list. The neighbourhood of the room in which we are assembled speaks of one, at all events,—I mean the great work which has been begun (and which I hope some of us may some day see completed)—the new Courts of Justice. No man had more to do with bringing that work to its present point of

success than Mr. Field. He energetically promoted it and obtained that information which was necessary to be the foundation of Royal Commissions and applications to Parliament. He energetically promoted those applications to Parliament when they were made. He was indefatigable, afterwards, as the secretary to the Courts of Justice Commissioners, and was of incalculable service at all the meetings which took place. In everything that was done he was the most active and useful man of all, perhaps, who were engaged in doing it. I wish we could congratulate ourselves upon having reached a more advanced point in the undertaking. I think we can congratulate ourselves upon having got to a point from which you can see there is the determination of the country to execute that great work in some way or another. I hope all those who feel the necessity of it, will do their best to prevent it from being put off and frustrated by means of a disagree-

ment of those who are thinking of something else than that which, after all, is our principal object: and that is, the provision of suitable accommodation for the administration of justice. That and other public works Mr. Field was engaged in, and to the day of his death he was active in them all. We feel that he has been a benefactor to the profession, and, through the profession, to the country. He set a bright and eminent example, both to his own immediate branch of the profession, to all young men intending to enter into it, and I would say, to the whole profession at large. We feel, also, that his private virtues, his private character, were answerable in every way to his public services; and for these reasons we have met together to endeavour to promote some suitable memorial of his merits and the respect which we feel for him.

“I now, gentlemen, propose to you the resolution which I began by moving:—‘That

it is desirable to mark, by some suitable and permanent memorial of the late Mr. Edwin Wilkins Field, the general feeling which exists of admiration for his character and respect for his memory.'”

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